

Cornell Law School Library

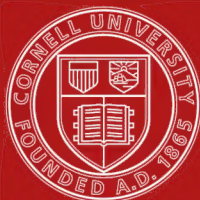
Cornell University Library
KF 2280.A221

Index-digest of the cases reported in vo



3 1924 017 616 529

law



Cornell University Library

The original of this book is in
the Cornell University Library.

There are no known copyright restrictions in
the United States on the use of the text.

INDEX-DIGEST

OF THE

Cases Reported in Volumes 1 to 23

INCLUSIVE

American and English Railroad Cases

New Series

AND INDEX TO THE NOTES THERETO

WITH

TABLE OF CASES REPORTED

THE MICHIE COMPANY, LAW PUBLISHERS
CHARLOTTESVILLE, VA.
1902

MA6025

KF

2280

A221

TABLE OF CASES.

VOLUMES 1-23 INCLUSIVE.

(NEW SERIES.)

Abbott, McCadden <i>v.</i> (Wis.).....	3-651
<i>v.</i> Southern Pac. R. Co. (Cal.).....	3-167
West Jersey R. Co. <i>v.</i> (N. J.).....	8-764
Aberdeen & A. R. Co., Strother <i>v.</i> (N. Car.).....	12-121
Abernathay, Illinois Cent. R. Co. <i>v.</i> (Tenn.).....	22-206
Abraham <i>v.</i> Oregon & C. R. Co. (Ore.).....	17-250
Adams <i>v.</i> Blankenstein (Cal.).....	2-646
Galveston, H. & S. A. Ry. Co. <i>v.</i> (Tex.).....	20-274
<i>v.</i> G. I., etc., R. Co. (S. Dak.).....	8-765
Jacksonville, T. & K. W. R. Co. <i>v.</i> (Fla.)....	3-25, 27, 28, 29, 30
<i>v.</i> Northern Pac. Ry. Co. (Wash.).....	15-784
Pullman Palace-Car Co. <i>v.</i> (Miss.).....	23-583
<i>v.</i> Reed (Utah).....	1-551
Southern Ry. Co. <i>v.</i> (U. S.).....	6-790
<i>v.</i> Southern Ry. Co. (C. C. A.).....	9-747
<i>v.</i> Southern Ry. Co. (N. Car.).....	16-369
State Revenue Agent, Yazoo & M. V. R. Co. <i>v.</i> (Miss.)...	20-428
Adams Exp. Co., State <i>v.</i> (Minn.).....	7-781
Adams & Westlake Co. <i>v.</i> Mercantile Trust Co. (C. C. A.).....	22-484
Adams, Wirt, Yazoo & Mississippi Valley Railway Company <i>v.</i> (U. S.).....	20-1, 350
Adirondack Railway Company <i>v.</i> People of the State of New York (U. S.).....	18-348
Adler <i>v.</i> Metropolitan El. R. Co. (N. Y.).....	1-371
Agulino <i>v.</i> New York, N. H. & H. R. Co. (R. I.).....	14-314
Ahnapee & W. Ry. Co., Goldberg <i>v.</i> (Wis.).....	17- 65
Airey <i>v.</i> Pullman Palace-Car Co. (La.).....	11-836
Akeson <i>v.</i> Chicago, B. & O. R. Co. (Iowa).....	11-430
Alabama G. S. R. Co. <i>v.</i> Burgess (Ala.).....	10-835
<i>v.</i> Carroll (C. C. A.).....	9-759
<i>v.</i> City of Bessemer (Ala.).....	6-410
<i>v.</i> Coggins (C. C. A.).....	12-109
<i>v.</i> Fowler (Ga.).....	11-860
<i>v.</i> Johnston (Ala.).....	20-909
<i>v.</i> McDonough (Tenn.).....	5-169
<i>v.</i> Moorer (Ala.).....	9-742
Quironet <i>v.</i> (Ga.).....	18-551
<i>v.</i> Ritchie (Ala.).....	5-554
<i>v.</i> Roach (Ala.).....	11-869
<i>v.</i> Taylor (Ala.).....	21-135
Tibbs <i>v.</i> (Ala.).....	5-458
Alabama Midland Ry. Co., Bell <i>v.</i> (Ala.).....	3-448
<i>v.</i> Darby (Ala.).....	13-105
<i>v.</i> Gassett (Ga.).....	5-607
Interstate Commerce Commission <i>v.</i> (C. C. A.).....	3-638
<i>v.</i> McGill (Ala.).....	14- 20
Alabama Mineral R. Co. <i>v.</i> Jones (Ala.).....	8-383
Alabama M. R. Co., Mobile & M. R. Co. <i>v.</i> (Ala.).....	10-128
Alabama Min. R. Co. <i>v.</i> Jones (Ala.).....	15-752
<i>v.</i> Southern R. Co. (Ala.).....	10-112
Alabama & V. Ry. Co. <i>v.</i> Barrett (Miss.).....	20-141
<i>v.</i> Bell (Miss.).....	21-155

Alabama & V. Ry. Co. <i>v.</i> Bloom (Miss.).....	1-28
Farquhar <i>v.</i> (Miss.).....	20-538
Hardy <i>v.</i> (Miss.).....	3-655
Hsie <i>v.</i> (Miss.).....	20-551
<i>v.</i> Holmes (Miss.).....	10-270
Jackson <i>v.</i> (Miss.).....	14-392
<i>v.</i> Kuhn (Miss.).....	19-466
<i>v.</i> Lamkin (Miss.).....	21-867
<i>v.</i> Ligon (Miss.).....	9-198
<i>v.</i> Odeneal (Miss.).....	3-436, 449
Alabama, etc., Ry. Co. <i>v.</i> Odeneal (Miss.).....	7-770
<i>v.</i> Roach (Ala.).....	5-705, 706
Albany & N. Ry. Co., Watson <i>v.</i> (Ga.).....	19-176
Albany Ry., Becker <i>v.</i> (N. Y.).....	12-853
Albion Lumber Co. <i>v.</i> De Nobra (C. C. A.).....	3-564
Alderman, D. W. & Sons Co., Sauls <i>v.</i> (S. Car.).....	15-558
Alexander <i>v.</i> Atlanta & W. P. R. Co. (Ga.).....	15-337
Texas E. P. R. Co. <i>v.</i> (C. C. A.).....	2-184
Algood, Louisville, etc., Co. <i>v.</i> (Ala.).....	6-771
Alister, Little Rock & S. F. R. Co. <i>v.</i> (Ark.).....	3-447
Allegheny & K. R. Co., O'Beirne <i>v.</i> (N. Y.).....	10-860
Allegheny Traction Co., Goorin <i>v.</i> (Pa.).....	9-864
Allegheny Valley R. Co., Scott <i>v.</i> (Pa.).....	2-678
Allen <i>v.</i> Boston & M. R. R. (Me.).....	19-729
<i>v.</i> Buffalo, R. & P. R. Co. (N. Y.).....	9-265
City of Fort Worth <i>v.</i> (Tex.).....	1-282
<i>v.</i> Colorado Cent. R. Co. (Colo.).....	3-446
<i>v.</i> Lake Shore & M. S. R. Co. (Ohio).....	9-25
<i>v.</i> Pennsylvania R. Co. (Pa.).....	10-347
<i>v.</i> Wilmington & W. R. Co. (N. Car.).....	8-257
Aller, Cincinnati, H. & D. R. Co. <i>v.</i> (Ohio).....	21-304
Allison <i>v.</i> Southern Ry. Co. (N. Car.).....	23-714
Allmon <i>v.</i> Chicago, P. & M. R. Co. (Ill.).....	3-136, 164
Altoona & B. C. R. Co., Pittsburgh, J., E. & E. R. Co. <i>v.</i> (Pa.).....	19-614
Altoona, etc., R. Co. <i>v.</i> Beech Creek R. Co. (Pa.).....	6-787
Ambach, Toledo & O. C. R. Co. <i>v.</i> (Ohio).....	8-533
American Exch. Bank, Chesapeake & O. R. Co. <i>v.</i> (Va.).....	3-424, 425
American Exp. Co., Attorney General, Moore <i>v.</i> (Mich.).....	13-95
American Express Co. <i>v.</i> Maynard, Attorney General of the State of Michigan, Moore (U. S.).....	17-530
American Loan & Trust Co., Veatch <i>v.</i> (C. C. A.).....	10-795, 805
American Min. Co., Teal <i>v.</i> (Minn.).....	23-314
American National Bank <i>v.</i> Georgia R. Co. (Ga.).....	2-618
American, etc., Nav. Co. <i>v.</i> New York, etc., R. Co. (N. J.).....	8-759, 761
American Sugar Refining Co. <i>v.</i> McGhee, Receiver, (Ga.).....	2-697
American Transp. & Nav. Co., In re (N. J.).....	3-26
Ames, Smith, Attorney General, <i>v.</i> (U. S.).....	10-1
Amory Mfg. Co. <i>v.</i> Gulf, C. & S. F. R. Co. (Tex.).....	8-472
Amos <i>v.</i> Atlanta Ry. Co. (Ga.).....	12-857
Ampey, Norfolk, etc., R. Co. <i>v.</i> (Va.).....	5-706, 707
Anchors, Louisville & N. R. Co. <i>v.</i> (Ala.).....	11-657
Anderson <i>v.</i> Atlantic Coast Line Ry. Co. (S. Car.).....	20-230
Baltimore & O. R. Co. <i>v.</i> (C. C. A.).....	5-667, 10-497
Chesapeake & O. R. Co. <i>v.</i> (Va.).....	9-136
<i>v.</i> Howard (C. C. A.).....	1-595
<i>v.</i> Louisville & N. R. Co. (C. C.).....	2-166
St. Louis I. M. & S. Ry. Co. <i>v.</i> (Ark.).....	5-637
Texarkana & Ft. S. Ry. Co. (Ark.).....	18-37
<i>v.</i> Union Pac., etc., R. Co. (Colo.).....	6-786
<i>v.</i> Union Terminal R. Co. (Mo.).....	20-834
Yazoo & M. V. R. Co. <i>v.</i> (Miss.).....	14-412
Andreesen, Chicago, R. I. & P. R. Co. <i>v.</i> (Neb.).....	22-536
Andrews, Lake Shore & M. S. Ry. Co. <i>v.</i> (Ohio).....	12-545
Woodward Iron Co. <i>v.</i> (Ala.).....	8-756

Andrus v. Bay Creek R. Co. (N. J.).....	6-780
Ann Arbor R. Co., Western Union Tel. Co. v. (C. C. A.).....	13-395
Ann Arbor St. R. Co., Shadford v. (Mich.).....	6-584
Annis, West Chicago St. R. Co. v. (Ill.).....	6-792
Antrim Lumber Co., Limited, Lynn v. (La.).....	21-598
Appeal of Cherryfield & M. Electric R. Co. (Me.).....	22-906
Appel, Baltimore Traction Co. v. (Md.).....	1-261
Appleby v. South Carolina & G. R. Co. (S. Car.).....	20-581
Arcata & M. R. R. Co., Burk v. (Cal.).....	15-769
Archambeau v. New York & N. E. R. Co. (Mass.).....	11-706
v. Platt (Miss.).....	15-249
Arkansas & L. Ry. Co. v. Sanders (Ark.).....	23-744
Arkansas Midland R. Co. v. Griffith (Ark.).....	9-846
Armstrong, Texas & P. Ry. Co. v. (Tex.).....	14-256
Arnett, Southern Pac. Co. v. (C. C. A.).....	23-794
Arnola, Illinois Cent. R. Co. v. (Miss.).....	20-945
Arnold, Atchison, Topeka & Santa Fe R. Co. v. (Kan.).....	1- 61
v. Louisville & N. R. Co. (Ky.).....	19-272
Saranac & L. P. R. Co. v. (N. Y.).....	22-480
Southern Ry. Co. v. (Ala.).....	11-864
Arnreich, North Baltimore Pass. R. Co. v. (Md.).....	1-270, 278
Artenberry v. Southern Ry. Co. (Tenn.).....	15-847
Asheville St. R. Co. v. City of Asheville (N. Car.).....	1- 27
Ashland & C. St. R. Co. v. Faulkner (Ky.).....	10-223
Ashley, Delaware L. & W. R. Co. v. (C. C. A.).....	2-212, 300, 383, 386
Ashline, Illinois Cent. R. Co. v. (Ill.).....	9-702
Ashling, Chicago S. F. & C. R. Co. v. (Ill.).....	3-549
Aske v. Duluth & I. R. R. Co. (Minn.).....	21-819
Atchison & C. R. Co. v. Green (Kan.).....	6-786
Atchison & N. R. Co. v. Boerner (Neb.).....	3-132, 135, 166, 168
Atchison, etc., R. Co. v. Chamberlain (Okla.).....	5-698
v. Cross (Kan.).....	8-757, 758
v. Elder (Kan.).....	5-309
Lawrence v. (Kan.).....	6-777
v. Long (Kan. App.).....	6-774
v. Love (Kan.).....	4-256
v. Peterson (Kan.).....	8-772
v. Powers (Kan.).....	8-757
v. Slattery (Kan.).....	8-761, 764
v. Whitbeck (Kan.).....	7-778
Atchison, Topeka & Santa Fe R. Co. v. Arnold (Kan.).....	1- 61
Blevins v. (Okla.).....	2-329
v. Brown (Kan.).....	2-113
v. Cameron (C. C. A.).....	2-108, 109
v. Henry (Kan.).....	2-418
v. Hughes (Kan.).....	2-248
v. Luening (Kan.).....	1- 61
v. O'Melia (Kan.).....	2-257
v. Stewart (Kan.).....	2-387
v. Wilkinson (Kan.).....	2-473, 474
Atchison, T. & S. F. R. Co., Beal v. (Kan.).....	18-751
Beaver v. (Kan.).....	3-442
Bess v. (Kan.).....	19-586
v. Billings (Kan.).....	10-740
v. Campbell (Kan. App.).....	13- 69
v. Campbell (Kan.).....	16-828
v. Chance (Kan.).....	4-328
v. Clark, County Treasurer, (Kan.).....	16-844
v. Conlon (Kan.).....	15-195, 22- 76
v. Consolidated Cattle Co. (Kan.).....	10-368
Croll v. (Kan.).....	5-608
v. Cunningham (Kan.).....	12-132
Dale v. (Kan.).....	7-108
Dangerfield v. (Kan.).....	17-650
Decker v. (Okla.).....	2-118

Atchison, T. & S. F. R. Co., Driver <i>v.</i> (Kan.)	10- 98
<i>v.</i> Emmerson (Kan.)	8-663
<i>v.</i> Hays (Kan. App.)	11-654
<i>v.</i> Henry (Kan.)	12-482
<i>v.</i> Holland (Kan.)	12-476
Interstate Commerce Commission <i>v.</i> (C. C. A.)	5-703
<i>v.</i> Ireton (Kan.)	23-847
<i>v.</i> Kansas Farmers' Ins. Co. (Kan. App.)	11-843
Kavanaugh <i>v.</i> (Mo.)	21-755
Martin <i>v.</i> (U. S.)	6-600
Mathews <i>v.</i> (Kan.)	12-255
<i>v.</i> Mathews (U. S.)	14- 89
<i>v.</i> Meyer (Kan.)	21-764
<i>v.</i> Morrow (Kan.)	5-262
Noble <i>v.</i> (Okla.)	5-309
<i>v.</i> Potter (Kan.)	15-660
<i>v.</i> Ryan (Kan.)	21-684
<i>v.</i> Shaw (Kan.)	3-248
Sweetland <i>v.</i> (Colo.)	3-449
<i>v.</i> Tindall (Kan.)	6-557
<i>v.</i> Willey (Kan.)	6-565, 15-847
Williams <i>v.</i> (Kan.)	12-370
<i>v.</i> Young (Ind. Ter.)	17-645
Atkinson <i>v.</i> Southern Ry. Co. (Ga.)	23-651
Atlanta Baggage & Cab Co., Kates <i>v.</i> (Ga.)	16-140
Atlanta Consolidated St. R. Co. <i>v.</i> Hardage (Ga.)	2-158, 162
<i>v.</i> Keeny (Ga.)	5-305
<i>v.</i> Owings (Ga.)	5- 1
Atlanta, K. & N. Ry. Co. <i>v.</i> Bryant (Ga.)	15-817
<i>v.</i> Durham (Ga.)	16-606
<i>v.</i> Horne (Tenn.)	19-509
Atlanta Rapid-Transit Co., Southern Ry. Co. <i>v.</i> (Ga.)	18-425
Atlanta Ry. Co., Amos <i>v.</i> (Ga.)	12-857
Atlanta Ry. & Power Co., Brown <i>v.</i> (Ga.)	22-886
Atlanta Stone, Coal & Lumber Co., Mercantile Trust & Deposit Co. <i>v.</i> (Ala.)	8-102
Atlanta & W. P. R. Co., Alexander <i>v.</i> (Ga.)	15-337
Branan <i>v.</i> (Ga.)	16-237
Cole <i>v.</i> (Ga.)	12- 14
Walker <i>v.</i> (Ga.)	11-498
Atlanta, etc., R. Co., Gammage <i>v.</i> (Ga.)	5-709
<i>v.</i> Irwin (Ga.)	8-768
Atlantic Ave. El. R. Co., Matter of (N. Y.)	1-364
Atlantic Ave. R. Co. <i>v.</i> Van Dyke (C. C. A.)	3-623
Atlantic City R. Co., Baldwin <i>v.</i> (N. J.)	17-486
Dotty <i>v.</i> (N. J.)	18-157
<i>v.</i> Goodin (N. J.)	14-291
Rogers <i>v.</i> (N. J.)	3-283
Smith <i>v.</i> (N. J.)	22-268
Tuttle <i>v.</i> (N. J.)	22-876
Waters <i>v.</i> (N. J.)	15-525
Atlantic Coast-Line Ry. Co., Anderson <i>v.</i> (S. Car.)	20-230
Edwards <i>v.</i> (N. Car.)	23- 38
Atlantic Coast-Line Ry. Co. of South Carolina, Stuckey <i>v.</i> (S. Car.)	20-771
Atlantic Cons. St. R. Co. <i>v.</i> Beauchamp (Ga.)	1-266, 267, 279
Atlantic & D. R. Co., Sherwood <i>v.</i> (Va.)	6-670
Atlantic & N. C. R. Co., Hardison <i>v.</i> (N. Car.)	11-848
Kahn <i>v.</i> (N. Car.)	2-474
Atlantic & N. W. R. Co. <i>v.</i> Wood (Can.)	3-135
Atlantic & P. R. Co., California Powder Works <i>v.</i> (Cal.)	4-301
<i>v.</i> Laird (U. S.)	8-365
<i>v.</i> Mingus (N. Mex.)	9-881
Atlantic & P. R. Co. (Postal Telegraph Co., Intervener), Mercantile T. Co. <i>v.</i> (C. C.)	1-683

Atlantic, etc., R. Co., <i>Mesic v. (N. Car.)</i>	7-770
<i>v. United States (U. S.)</i>	6-776
Atlantic, S. R. & G. Ry. Co. <i>v. State (Fla.)</i>	20-501
Atlantic St. R. Co. <i>v. Walker (Ga.)</i>	1-273, 290
Atlantic Transp. Co., Chesapeake & O. Ry. Co. <i>v. (N. J.)</i>	21-709
Attorney General, <i>Moore v. American Exp. Co. (Mich.)</i>	13- 95
Attorney General, <i>Morris & Cumings Dredging Co. v. Greenville</i> <i>& H. Ry. Co. (N. J.)</i>	21-728
Aufdenberg <i>v. St. Louis, I. M. & S. R. Co. (Mo.)</i>	3-323
Augusta & Savannah R. Co., <i>Patterson v. (Ga.)</i>	2-342
Augusta Southern R. Co. <i>v. McDade (Ga.)</i>	12-548
<i>v. Seals (Ga.)</i>	10-386
<i>Tompkins v. (Ga.)</i>	11-587
Augusta T. & G. R. Co., <i>Kittel v. (N. Y.)</i>	11-876
Augusta T. Ry. Co., <i>Austin v. (Ga.)</i>	17-711
Aull <i>v. Columbia, etc., R. Co. (S. Car.)</i>	3-129
Ausk <i>v. Great Northern Ry. Co. (N. Dak.)</i>	21-851
Austin <i>v. Augusta T. Ry. Co. (Ga.)</i>	17-711
<i>v. Chicago, etc., R. Co. (Wis.)</i>	5-323
<i>Savannah, F. & W. Ry. Co. v. (Ga.)</i>	10-343, 11-539
Austin & N. W. R. Co. <i>v. McElmurry (Tex.)</i>	3-445
<i>State v. (Tex.)</i>	22-556
Averill <i>v. Southern R. Co. (C. C. A.)</i>	5-704
Ayers, Kansas & A. V. R. Co. <i>v. (Ark.)</i>	6-628
<i>v. Rochester Ry. Co. (N. Y.)</i>	12-165
Bach <i>v. Iowa Cent. Ry. Co. (Iowa)</i>	20-161
Bachelor <i>v. United States (C. C. A.)</i>	9-878
Bachman <i>v. Philadelphia & R. R. Co. (Pa.)</i>	13-563
Backhaus <i>v. Chicago & N. W. R. Co. (Wis.)</i>	3-426
Backus, Union Depot Co. <i>v. (Mich.)</i>	3-130, 136
Bacon <i>v. Kentucky Cent. R. Co. (Ky.)</i>	1-718
Bader <i>v. Southern Pac. Co. (La.)</i>	17- 60
Baer, Baltimore City Pass. Ry. Co. <i>v. (Md.)</i>	22-662
Bagley <i>v. Columbus, etc., R. Co. (Ga.)</i>	5-700
<i>Missouri, K. & T. Ry. Co. v. (Kan.)</i>	13-259
Bailey, Louisville & N. R. Co. <i>v. (Tenn.)</i>	2- 17
<i>v. Tacoma Traction Co. (Wash.)</i>	6-794, 795
<i>Western & A. R. Co. v. (Ga.)</i>	12-739
Baird, Birmingham Ry. & Electric Co. <i>v. (Ala.)</i>	22-909
Baker <i>v. Chicago, etc., R. Co. (Iowa)</i>	6-772
<i>v. Great Northern Ry. Co. (Minn.)</i>	21-396
<i>v. Louisville & N. Terminal Co. (Tenn.)</i>	20-946
<i>v. Pennsylvania R. Co. (Pa.)</i>	9-824
<i>v. Railroad Co. (N. Car.)</i>	5-710
<i>Union Pac. R. Co. v. (Kan.)</i>	8-764
<i>v. Wilmington & W. R. Co. (N. Car.)</i>	3-650
Baldwin <i>v. Atlantic City R. Co. (N. J.)</i>	17-486
<i>v. Fair Haven & W. R. Co. (Conn.)</i>	9-853
<i>v. Grand Trunk Ry. Co. of Canada (Mich.)</i>	23-117
<i>v. Great Northern Ry. Co. (Minn.)</i>	19-202
<i>v. Kansas City, etc., R. Co. (Ala.)</i>	6-777
<i>v. Smith (Ill.)</i>	1- 28
<i>Yazoo & M. V. R. Co. v. (Miss.)</i>	21-479
Ball, Maysville & B. S. R. Co. <i>v. (Ky.)</i>	20-186
Ballentine, Cleveland, C., C. & St. L. Ry. Co. <i>v. (C. C. A.)</i>	14-831
Baltimore Belt R. Co., <i>McColgan v. (Md.)</i>	7-778
Baltimore, Catonsville & Ellicott's Mills Pass. R. Co., Baltimore <i>& Frederickstown Turnpike Road v. (Md.)</i>	3-177
Baltimore City Pass. Ry. Co. <i>v. Baer (Md.)</i>	22-662
<i>v. Cooney (Md.)</i>	11-759
<i>Lion v. (Md.)</i>	23-538
Baltimore, C. & A. Ry. Co. <i>v. Commissioners of Wicomico</i> <i>County (Md.)</i>	21-284
<i>v. Kirby (Md.)</i>	18-248
<i>v. Mayor, etc., of Ocean City (Md.)</i>	14-195

Baltimore & Frederickstown Turnpike Road <i>v.</i> Baltimore, Catonsville & Ellicott's Mills Pass. R. Co. (Md.)	3-177
Baltimore, Hampden & Lake Roland R. Co., Bonaparte <i>v.</i> (Md.)	1-119
Baltimore & O. & C. R. Co., Lake Shore & Mich. So. Ry. Co. <i>v.</i> (Ill.)	3- 57
<i>v.</i> Scholes (Ind.)	3-454
Baltimore & O. R. Co. <i>v.</i> Anderson (C. C. A.)	5-667, 10-497
<i>v.</i> Burris (C. C. A.)	23-912
Chesapeake & Ohio Canal Co. <i>v.</i> (Md.)	1-119
<i>v.</i> Diamond Coal Co. (Ohio)	16-232
<i>v.</i> Hellenthal (C. C. A.)	13-774
Keller <i>v.</i> (Pa.)	19-197
<i>v.</i> Kreager (Ohio)	18- 99
<i>v.</i> Lersch (Ohio)	14-835
<i>v.</i> Meyers (C. C. A.)	2-225, 262
Simon <i>v.</i> (Pa.)	3-655
<i>v.</i> Stankard (Ohio)	6-477
Baltimore & Ohio Southwestern Railway Company <i>v.</i> Voigt (U. S.)	17-111
Baltimore & O. S. W. Ry. Co. <i>v.</i> Board of Com'rs of Jackson County (Ind.)	20-716, 22-408
<i>v.</i> Conoyer (Ind.)	9-348
<i>v.</i> Hausman (Ky.)	17-237
<i>v.</i> Kerner (Ind.)	9-328
Lingenfelter <i>v.</i> (Ind.)	16-690
<i>v.</i> Little (Ind.)	9-427
<i>v.</i> Mercantile Trust Co. (C. C. A.)	22-484
Norris <i>v.</i> (C. C. A.)	22-806
<i>v.</i> Peterson (Ind.)	20-887
Rogers <i>v.</i> (Ind.)	9-726
<i>v.</i> Tripp (Ill.)	14-119
Voight <i>v.</i> (C. C. A.)	9-835
<i>v.</i> Young (Ind.)	6-349
Baltimore & Potomac R. Co. <i>v.</i> Swann (Md.)	2-187
Baltimore & P. R. Co., Fletcher <i>v.</i> (U. S.)	9-229
Baltimore, etc., R. Co., Keller <i>v.</i> (Pa.)	4-263
Baltimore Traction Co. <i>v.</i> Appel (Md.)	1-261
Cooke <i>v.</i> (Md.)	1-255, 256, 263
<i>v.</i> Helms (Md.)	6-651
Baltimore Trust & Guarantee Co. <i>v.</i> Hofstetter (C. C. A.)	10-783
Mayor, etc., of City of Baltimore <i>v.</i> (U. S.)	7-624
Baltimore Union Pass. R. Co., Hodges <i>v.</i> (Md.)	1-119
Baltzger <i>v.</i> Carolina Midland Ry. Co. (S. Car.)	14-845
Barnford <i>v.</i> Pittsburgh & B. Traction Co. (Pa.)	22-798
Bangor & A. R. Co., Boston Excelsior Co. <i>v.</i> (Me.)	16-654
Leavitt <i>v.</i> (Me.)	7-354
Pierce <i>v.</i> (Me.)	18-533
Bangor, O. & O. Ry. Co., Fairbanks <i>v.</i> (Me.)	22-756
Bangor St. R. Co., Cleveland <i>v.</i> (Me.)	1-336
Bangs <i>v.</i> Lewiston, etc., R. Co. (Me.)	7-785, 786
Bank of Tupelo, Southern Express Co. <i>v.</i> (Ala.)	2-608, 609, 678
Banks <i>v.</i> Georgia R. & Banking Co. (Ga.)	20-225
Barbour, Southern Ry. Co. <i>v.</i> (Ky.)	15-192
Bard <i>v.</i> Pennsylvania, etc., R. Co. (Pa.)	5-717
<i>v.</i> Philadelphia & R. Ry. Co. (Pa.)	21-782
Barden <i>v.</i> Northern Pacific R. Co. (U. S.)	1-512
Barfield <i>v.</i> Southern Ry. Co. (Ga.)	15-735
Southern Ry. Co. <i>v.</i> (Ga.)	19-702
Barker <i>v.</i> Central Park, N. & E. R. Co. (N. Y.)	6-686
<i>v.</i> Northern Pacific R. Co. (C. C. A.)	2-389, 414
Owensboro, etc., R. Co. <i>v.</i> (Ky.)	6-791
<i>v.</i> St. Louis, I. M. & S. R. Co. (Mo.)	2-157
Barkman <i>v.</i> Pennsylvania R. Co. (N. J.)	12-250
Barnard, Harper <i>v.</i> (Iowa)	5-697
Barnes <i>v.</i> Chicago, R. I. & T. R. Co. (Tex.)	3-28, 29

Barnes, Evansville & R. R. Co. v. (Ind.)	2-18
Barnett, Kansas City, P. & G. R. Co. v. (Ark.)	22-81
Middle Georgia & A. Ry. Co. v. (Ga.)	12-532
San Antonio & A. P. R. Co. v. (Tex.)	3-423
Barr Car Co. v. Chicago & N. W. Ry. Co. (C. C. A.)	23-587
Barr v. Southern Ry. Co. (Tenn.)	19-261
Barrett, Alabama & V. Ry. Co. v. (Miss.)	20-141
v. Great Northern Ry. Co. (Minn.)	12-742
v. New York Cent. & H. R. R. Co. (N. Y.)	15-578
Texas & P. Ry. Co. v. (U. S.)	11-867
Barry v. Boston & A. R. Co. (Mass.)	12-245
Little Rock & M. R. Co. v. (C. C. A.)	11-453
Barth v. Kansas City Etl. R. Co. (Mo.)	10-281
Barton, Georgia S. & F. R. Co. v. (Ga.)	10-446
Bass, Western & A. R. Co. v. (Ga.)	11-608
Bassett v. Los Angeles Traction Co. (Cal.)	22-5
Baston, Southern R. Co. v. (Ga.)	8-755
Bateman v. Peninsular Ry. Co. (Wash.)	12-678
Battle, St. Louis, I. M. & S. Ry. Co. v. (Ark.)	22-700
Baumgartner v. City of Mankato (Minn.)	1-274, 287
Baxley v. Tallassee & M. R. Co. (Ala.)	21-170
Baxter v. Chicago & N. W. Ry. Co. (Wis.)	16-476
v. Great Northern Ry. Co. (Minn.)	14-85
v. Louisville, N. A. & C. R. Co. (Ill.)	6-618
Bay City St. Railway Co., Taylor v. (Mich.)	1-165
Bay Creek R. Co., Andrus v. (N. J.)	6-780
Beach v. Wilmington & W. R. Co. (N. Car.)	9-158
Wood v. (U. S.)	1-596
Beal v. Atchison, T. & S. F. Ry. Co. (Kan.)	18-751
Beall, Bruce v. (Tenn.)	9-841
Beardsley v. New York, L. E. & W. R. Co. (N. Y.)	17-149
Beath v. Rapid Ry. Co. (Mich.)	15-793
Beatrice Rapid Transit & Power Co., Chicago B. & Q. R. Co. v. (Neb.)	4-325
Beattyville & C. G. R. Co. v. Maloney (Ky.)	14-24
Beauchamp, Atlantic Cons. St. R. Co. v. (Ga.)	1-266, 267, 279
Beaumont v. Northern Pac. Ry. Co. (C. C. A.)	22-470
Beaver v. Atchison, T. & S. F. R. Co. (Kan.)	3-442
Beavers, Savannah, F. & W. Ry. Co. v. (Ga.)	21-646
Beck v. Pennsylvania R. Co. (N. J.)	15-851
Pittsburgh, C., C. & St. L. Ry. Co. v. (Ind.)	13-353
Becker v. Albany Ry. (N. Y.)	12-853
Kansas City, Ft. S. & M. R. Co. v. (Ark.)	16-348
Kansas City, etc., R. Co. v. (Ark.)	8-758, 759
v. Louisville & N. R. Co. (Ky.)	20-803
Beckstead v. Montana Union R. Co. (Mont.)	9-273
Beckworth, Texas & P. R. Co. v. (Tex. Civ. App.)	2-258, 261
Bedell, Denver & R. G. R. Co. v. (Colo. App.)	12-141
Bedford Belt Ry. Co., Menaugh v. (Ind.)	22-1
Bedford v. Spokane St. R. Co. (Wash.)	6-795
Beebe, Illinois Cent. R. Co. v. (Ill.)	11-163
Beech Creek R. Co., Altoona, etc., R. Co. v. (Pa.)	6-787
Mahaffy v. (Pa.)	3-131, 165
Beecher v. Long Island R. Co. (N. Y.)	12-295
v. Long Island R. Co. (N. Y.)	17-199
St. Louis, I. M. & S. R. Co. v. (Ark.)	10-557
Beekman v. Third Ave. R. Co. (N. Y.)	8-23
Beem v. Tama & T. Electric Railway & Light Co. (Iowa)	10-610
Beers v. Boston, etc., R. Co. (Conn.)	4-263
Beeson v. City of Chicago (U. S.)	5-715
Behlmer, Louisville & Nashville Railroad Company v. (U. S.)	18-167
v. Louisville & N. R. Co. (S. Car.)	3-426
v. Louisville & N. R. Co. (C. C. A.)	9-620
Louisville & N. R. Co. v. (U. S.)	10-779
Behlow v. Southern Pac. R. Co. (Cal.)	19-392

Behr, Consolidated Traction Co. <i>v.</i> (N. J.).....	8-770
Belcher, Missouri, K. & T. R. Co. of Texas <i>v.</i> (Tex.).....	3-498
Bell <i>v.</i> Alabama Midland R. Co. (Ala.).....	3-448
Alabama & V. Ry. Co. <i>v.</i> (Miss.).....	21-155
Chicago, Kansas & W. R. Co. <i>v.</i> (Kan.).....	2-222, 384, 385
Louisville & N. R. Co. <i>v.</i> (Ky.).....	8-413
McGhee <i>v.</i> (Ky.).....	9-345, 11-519
Bell, City Engineer, State, Crescent City R. Co. <i>v.</i> (La.).....	8-210
Bellaire, etc., R. Co., Interstate Commerce Commission <i>v.</i> (U. S.).....	7-768
Bellows Falls & S. R. St. Ry. Co., Rutland R. Co. <i>v.</i> (Vt.).....	23-675
Bellville City R. Co., East St. Louis, etc., R. Co. <i>v.</i> (Ill.).....	3-94, 97
St. Louis, Alton & Terre Haute Railway Co. <i>v.</i> (Ill.).....	3- 53
Bellingham Bay & British Columbia R. Co., City of New Whatcom <i>v.</i> (Wash.).....	6-419
<i>v.</i> Strand (Wash.).....	3-171
Benignia <i>v.</i> Pennsylvania R. Co. (Pa.).....	20-486
Bennett <i>v.</i> Chicago, M. & St. P. R. Co. (S. Dak.).....	5-148
Joost <i>v.</i> (Cal.).....	15-252
Missouri Pac. R. Co. <i>v.</i> (Kan.).....	7-534
Benson, Brown <i>v.</i> (Ga.).....	5-316, 10-161
<i>v.</i> Chicago, St. P., M. & O. Ry. Co. (Minn.).....	12-797, 16-546
McDowell <i>v.</i> (Ga.).....	10-161
<i>v.</i> New York, N. H. & H. R. Co. (R. I.).....	22-299
Benton-Bellefontaine R. Co., Czezewzka <i>v.</i> (Mo.).....	1-256, 258, 265, 267
Bentz, Illinois Cent. R. Co. <i>v.</i> (C. C. A.).....	18-540
Bercaw, Chesapeake & O. Ry. Co. <i>v.</i> (Ky.).....	23-952
Bergen County Traction Co. <i>v.</i> Heitman's Adm'r (N. J.).....	11-286
Bergen Neck R. Co. <i>v.</i> Point Breeze F. & I. Co. (N. J.).....	3- 29, 98
Berger, St. Louis S. W. R. Co. <i>v.</i> (Ark.).....	10-235
Bergsland, San Antonio & A. P. R. Co. <i>v.</i> (Tex.).....	3-304
Berkeley <i>v.</i> Chesapeake & Ohio R. Co. (W. Va.).....	8-757, 758
Berks County <i>v.</i> Reading City Pass. R. Co. (Pa.).....	1-28, 212
Bernard, Louisville & N. R. Co. <i>v.</i> (Ky.).....	6- 55
Bernheim, Louisville, etc., R. Co. <i>v.</i> (Ala.).....	8-753, 754
Bernstein, Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	20-952
Berry <i>v.</i> Lake Erie & W. R. Co. (Ind.).....	3-654
<i>v.</i> Louisville & N. R. Co. (Ky.).....	20-401
St. Louis Southwestern R. Co. <i>v.</i> (Ark.).....	2-457
<i>v.</i> West Virginia & P. R. Co. (W. Va.).....	11-103
Bess <i>v.</i> Atchison, T. & S. F. Ry. Co. (Kan.).....	19-586
Best, Cleveland, C., C. & St. L. R. Co. <i>v.</i> (Ill.).....	9-660
International & G. N. R. Co. <i>v.</i> (Tex.).....	17-153
Bethlehem Iron Co., Weiss <i>v.</i> (C. C. A.).....	12-305
Betts <i>v.</i> Lehigh Val. R. Co. (Pa.).....	14-299
Beyer <i>v.</i> Louisville & N. R. Co. (Ala.).....	9-819
Bias <i>v.</i> Chesapeake & O. Ry. Co. (W. Va.).....	13-616
Biddeford & S. R. Co., Bligh <i>v.</i> (Me.).....	22-805
Biddle, Kentucky Cent. R. Co. <i>v.</i> (Ky.).....	3-656
Bigelow <i>v.</i> Chicago, B. & N. Ry. Co. (Wis.).....	17-341
<i>v.</i> Draper (N. Dak.).....	7-771
Bigham, Texas, etc., R. Co. <i>v.</i> (Tex.).....	6-791
Billings, Atchison, T. & S. F. R. Co. <i>v.</i> (Kan.).....	10-740
Billingsby, Texas, etc., R. Co. <i>v.</i> (Tex.).....	5-714
Billington, Illinois Central R. Co. <i>v.</i> (Ky.).....	2-109
Birch <i>v.</i> Lake Roland El. R. Co. (Md.).....	5-640
Birmingham Railway & Electric Co. <i>v.</i> Baird (Ala.).....	22-909
Highland Ave. & B. R. Co. <i>v.</i> (Ala.).....	9-502
Birnie, Little Rock & Ft. Smith Railway Co. <i>v.</i> (Ark.).....	1-645
Bischoff <i>v.</i> New York El. R. Co. (N. Y.).....	1-372, 373, 377
Bittner <i>v.</i> Crosstown St. R. Co. of Buffalo (N. Y.).....	9-152
Bixby <i>v.</i> Omaha & C. B. Railway & Bridge Co. (Iowa).....	13-784
Bizzell, Louisville & N. R. Co. <i>v.</i> (Ala.).....	23-615
Black, Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	23-864
<i>v.</i> Middle Georgia & A. Ry. Co. (Ga.).....	12-569
Blackburn <i>v.</i> Southern Pac. Co. (Ore.).....	12-461

Blackmore <i>v.</i> Missouri Pac. Ry. Co. (Mo.).....	21-360
Blackstone <i>v.</i> Central of Georgia Ry. Co. (Ga.).....	20-365
Blair, Louisville & N. R. Co. <i>v.</i> (Tenn.).....	17-159
<i>v.</i> Sioux City & P. Ry. Co. (Iowa).....	10-306, 17-363
Blake, Southern R. Co. <i>v.</i> (Ga.).....	10-472
Bland, St. Louis I. M. & S. R. Co. <i>v.</i> (Tex.).....	3-423
<i>v.</i> Shreveport Belt R. Co. (La.).....	4-349
Blaney <i>v.</i> Electric Traction Co. (Pa.).....	10-560
Blank <i>v.</i> Illinois Cent. R. Co. (Ill.).....	16- 6
Blankenship <i>v.</i> Kanawha, etc., R. Co. (W. Va.).....	8-768
Blankenstein, Adams <i>v.</i> (Cal.).....	2-646
Blaul, Chicago & A. R. Co. <i>v.</i> (Ill.).....	12-418
Bledsoe <i>v.</i> Grand Trunk Ry. Co. (Mich.).....	20-927
Blevins <i>v.</i> Atchison, Topeka & Santa Fe R. Co. (Okla.).....	2-329
Bligh <i>v.</i> Biddeford & S. R. Co. (Me.).....	22-805
Block <i>v.</i> Milwaukee Street R. Co. (Wis.).....	1-329
Blocker, Ristine <i>v.</i> (Colo.).....	18-139
Blomquist <i>v.</i> Great Northern R. Co. (Minn.).....	4-439
Blondel <i>v.</i> St. Paul City R. Co. Minn.).....	6-272
Bloom, Alabama & V. R. Co. <i>v.</i> (Miss.).....	1- 28
Blumenthal, New York C. & St. Louis R. Co. <i>v.</i> (Ill.).....	4-174
Board of Assessors, State, St. Charles St. R. Co. <i>v.</i> (La.).....	4-386
Board of Com'rs, etc., <i>v.</i> Duluth, etc., R. Co. (Minn.).....	6-779
Board of Com'rs of Jackson County, Baltimore & O. S. W. Ry. Co. <i>v.</i> (Ind.).....	20-716, 22-408
Board of Pub. Works of Camden, State, West Jersey Traction Co. <i>v.</i> (N. J.).....	1- 98
Board of Railroad Com'rs of Arkansas, Kansas City S. Ry. Co. <i>v.</i> (Ark.).....	21-178
Board of Railroad Com'rs of State of California <i>v.</i> Market St. Ry. Co. (Cal.).....	23- 21
Board of Railroad Com'rs of State of New York, People, Lough- ran <i>v.</i> (N. Y.).....	15-441
Board of Railroad Com'rs, Union Terminal R. Co. <i>v.</i> (Kan.)....	3- 72
Board of Supervisors, New York, etc., R. Co. <i>v.</i> (Va.).....	4-265
Board of Waterworks Imp. Dist. No. 1, Kansas City P. & G. Ry. Co. <i>v.</i> (Ark.).....	20-265
Bobira <i>v.</i> New Orleans & C. R. Co. (La.).....	1-220
Bodie <i>v.</i> Charleston & W. C. Ry. Co. (S. Car.).....	22-818
Bodine, Louisville & N. R. Co. <i>v.</i> (Ky.).....	19-551
Boerner, Atchison & N. R. Co. <i>v.</i> (Neb.).....	3-132, 135, 165, 168
Boerth <i>v.</i> West Side R. Co. (Wis.).....	1-264
Bogan <i>v.</i> Carolina Cent. R. Co. (N. Car.).....	23-322
Bogard, Illinois Cent. R. Co. <i>v.</i> (Miss.).....	18-410
Bogardus, State <i>v.</i> (Kan.).....	22-142
Boggs <i>v.</i> Missouri, K. & T. Ry. Co. (Mo.).....	18-379
Texas & P. R. Co. <i>v.</i> (Tex.).....	2-545, 546
Bohan, Galveston, H. & H. R. Co. <i>v.</i> (Tex. Civ. App.).....	12-490
Bohannon <i>v.</i> Southern Ry. Co. in Kentucky (Ky.).....	23-548
Bohler, Georgia R., etc., Co. <i>v.</i> (Ga.).....	8-766, 767
Boikens <i>v.</i> New Orleans, etc., R. Co. (La.).....	4-260
Bolin <i>v.</i> Chicago, St. P., M. & O. Ry. Co. (Wis.).....	19-735
Bollong, Houston C. A. & N. R. Co. <i>v.</i> (Ark.).....	2- 18
Bolton, Gulf, C. & S. F. Ry. Co. <i>v.</i> (Ind. Ter.).....	16-130
Illinois Cent. R. Co. <i>v.</i> (Tenn.).....	9-868
Bonaparte <i>v.</i> Baltimore, Hampden & Lake Roland R. Co. (Md.)..	1-119
Bond, Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	17-757
Chicago, B. & O. R. Co. <i>v.</i> (Neb.).....	15-759
<i>v.</i> Lake Shore & M. S. Ry. Co. (Mich.).....	12-447, 23-156
<i>v.</i> Pennsylvania Co. (Ill.).....	10-118
Bonham, Canal Co. <i>v.</i> (Pa.).....	5-720
Bonnet <i>v.</i> Galveston, H. & S. A. R. Co. (Tex.).....	3-437
Booker, Virginia-Carolina Ry. Co. <i>v.</i> (Va.).....	22-800
Bookman <i>v.</i> New York El. R. Co. (N. Y.).....	1-373, 374, 376
Booth, Savannah F. & W. R. Co. <i>v.</i> (Ga.).....	5-612

Boothby <i>v.</i> Boston & M. R. Co. (Me.)	8-299
<i>v.</i> Grand Trunk R. Co. (N. H.)	3-655
Borden, Kimball <i>v.</i> (Va.)	15-519
Bordner, Saginaw T. & H. R. Co. <i>v.</i> (Mich.)	3-11, 29
Bork, New York, N. H. & H. R. Co. <i>v.</i> (R. I.)	22-511
Born <i>v.</i> Philadelphia & R. R. Co. (Pa.)	22-723
Borough of McKeesport <i>v.</i> McKeesport Street R. Co. (Pa.)	1-171, 286, 291
Bossut, Santa Fe Pac. R. Co. <i>v.</i> (N. Mex.)	19-683
Boston & A. R. Co., Barry <i>v.</i> (Mass.)	12-245
Bowen <i>v.</i> (Mass.)	23-267
Brewer Lumber Co. <i>v.</i> (Mass.)	21-548
<i>v.</i> Brown (Mass.)	19-304
Carter <i>v.</i> (Mass.)	21-492
City of Boston <i>v.</i> (Mass.)	11-807
<i>v.</i> City of Worcester (Mass.)	23-679
Fairman <i>v.</i> (Mass.)	9- 83
Flynn <i>v.</i> (Mass.)	8-691
Heyward <i>v.</i> (Mass.)	10-260
<i>v.</i> O'Reilly (U. S.)	2-377
Perkins <i>v.</i> (Mass.)	13-601
Sheldon <i>v.</i> (Mass.)	13-390
Whicher <i>v.</i> (Mass.)	18-325
Wilder <i>v.</i> (Mass.)	3- 28
Boston & A. R. R., Leonard <i>v.</i> (Mass.)	13-825
Boston Elevated Ry., Cobb <i>v.</i> (Mass.)	21-424
Boston Excelsior Co. <i>v.</i> Bangor & A. R. Co. (Me.)	16-654
Boston & M. Con. C. & S. M. Co., Montana Ore-Purchasing Co. <i>v.</i> (Mont.)	10-754
Boston & M. R. Co., Boothby <i>v.</i> (Me.)	8-299
<i>v.</i> City of Cambridge (Mass.)	5-705
Ellis <i>v.</i> (Mass.)	10-490
Floytrup <i>v.</i> (Mass.)	2-273
Gilman <i>v.</i> (Mass.)	8-478
Goddard <i>v.</i> (Mass.)	21-423
Gray <i>v.</i> (Mass.)	8-481
Johnson <i>v.</i> (Vt.)	10-374
Jones <i>v.</i> (Mass.)	2- 17
Lemery <i>v.</i> (Mass.)	11- 17
McDonald <i>v.</i> (Me.)	2-293
O'Loughlin <i>v.</i> (Mass.)	2-160
Roberts <i>v.</i> (Me.)	3-439
Rowell <i>v.</i> (N. H.)	16-571
St. Jean <i>v.</i> (Mass.)	10-444
Wellington <i>v.</i> (Mass.)	3-165
Whitcher <i>v.</i> (N. H.)	20-540
Boston & M. R. R., Allen <i>v.</i> (Me.)	19-729
Concord & M. R. R. <i>v.</i> (N. H.)	14-458
Davis <i>v.</i> (N. H.)	21-821
Dickey <i>v.</i> (N. H.)	19-258
Donahue <i>v.</i> (Mass.)	20-526
Gahagan <i>v.</i> (N. H.)	23-141
<i>v.</i> Graham (Mass.)	22-553
Hardy <i>v.</i> (N. H.)	12-565
<i>v.</i> Hurd (C. C. A.)	21-674
La Pointe <i>v.</i> (Mass.)	23-105
Lessard <i>v.</i> (N. H.)	17-211
Mugford <i>v.</i> (Mass.)	16-684
Pomeroy <i>v.</i> (Mass.)	12-119
Quimby <i>v.</i> (N. H.)	12-517
Quimby <i>v.</i> (Vt.)	19-242
Sargent <i>v.</i> (N. H.)	21-335
Smith <i>v.</i> (N. H.)	19-320
<i>v.</i> Sullivan (Mass.)	20-356
Turley <i>v.</i> (N. H.)	20-440
Boston, R. B. & L. R. Co., Inness <i>v.</i> (Mass.)	9-819

Boston, etc., R. Co., <i>Beers v. (Conn.)</i>	4-263
<i>Caron v. (Mass.)</i>	5-705
<i>De Whirst v. (Mass.)</i>	6-785
<i>Eastman v. (Mass.)</i>	3-435
<i>Huntress v. (N. H.)</i>	4-257, 260
<i>Mitchell v. (N. H.)</i>	4-256
<i>Young v. (Mass.)</i>	7-776
Bosworth, Receiver of the Chicago, Peoria, & St. Louis Railway Company, Chicago, Milwaukee, & St. Paul Railway Company <i>v. (U. S.)</i>	19-680
<i>Hunting Elevator Company v. (U. S.)</i>	19-651
<i>Boteler v. Philadelphia & R. T. R. Co. (Pa.)</i>	3-130, 132, 167
<i>Bouldin, Railroad Co. v. (Ala.)</i>	5-708
<i>Boutten v. Wellington & P. R. Co. (N. Car.)</i>	21-576
<i>Bowcock, Louisville & N. R. Co. v. (Ky.)</i>	17-421
<i>Bowdle v. Detroit Street R. Co. (Mich.)</i>	2-223
<i>Bowen v. Boston & A. R. Co. (Mass.)</i>	23-267
<i>Louisville & N. R. Co. v. (Ky.)</i>	9-276
<i>v. Southern Ry. Co. (S. Car.)</i>	18-331
<i>Bowers v. J. B. Worth Co. (N. Car.)</i>	22-658
<i>Bowes v. Hopkins (C. C. A.)</i>	9-641
<i>Bowlds, Louisville, H. & St. L. R. Co. v. (Ky.)</i>	23-553
<i>Bowler & Burdick Co., Toledo & O. C. R. Co. v. (Ohio)</i>	8-533
<i>Toledo & O. C. R. Co. v. (Ohio)</i>	19-574
<i>Bowles, Missouri, K. & T. R. Co. v. (Ind. Ter.)</i>	8- 12
<i>Richmond, R. & Electric Co. v. (Va.)</i>	3-654
<i>Bowlin, Texas & P. R. Co. v. (Tex. Civ. App.)</i>	2-387, 445
<i>Box v. Chicago, R. I. & P. Ry. Co. (Iowa)</i>	16-527
<i>Boyd v. Harris (Pa.)</i>	4-472
<i>v. Spencer (Ga.)</i>	11-247
<i>Boyden v. Fitchburg R. Co. (Vt.)</i>	10-523
<i>Boyle v. Farmers' Loan & Trust Co. (C. C. A.)</i>	14-817
<i>Bradford, Western & A. R. Co. v. (Ga.)</i>	21-298
<i>Bradley v. Chicago, M. & St. P. R. Co. (Wis.)</i>	5- 40
<i>v. Chicago, M. & St. P. R. Co. (Mo.)</i>	8-728
<i>v. Grand Trunk R. Co. (Mich.)</i>	2-281
<i>v. Ohio River & C. Ry. Co. (N. Car.)</i>	18-340
<i>v. Second Ave. R. Co. (N. Y.)</i>	12-184
<i>Bradshaw, Raleigh & G. R. Co. v. (Ga.)</i>	22-572
<i>Brady v. Chicago, St. P., M. & O. Ry. Co. (Neb.)</i>	15-845
<i>Lang v. (Conn.)</i>	21-843
<i>v. Old Colony R. Co. (Mass.)</i>	2-280
<i>Bragg, St. Louis, I. M. & S. Ry. Co. v. (Ark.)</i>	14- 34
<i>Brague v. Northern Cent. Ry. Co. (Pa.)</i>	15-594
<i>Brammer v. Wabash R. Co. (Iowa)</i>	22-508
<i>Branan v. Atlanta & W. P. R. Co. (Ga.)</i>	16-237
<i>Branch v. International & G. N. R. Co. (Tex.)</i>	12-378
<i>Bras (Burlington, C. R. & N. R. Co., Intervener) v. McConnell, County Treasurer, (Iowa)</i>	23-127
<i>Brashear v. Houston Cent. A. N. R. Co. (La.)</i>	2-185, 262, 293
<i>v. Philadelphia Traction Co. (Pa.)</i>	6- 794
<i>Braun v. Northern Pac. Ry. Co. (Minn.)</i>	17-139
<i>Bray, Southern Pac. R. Co. v. (C. C. A.)</i>	1-594
<i>Breadow, Texas & P. R. Co. v. (Tex.)</i>	5-483
<i>Breckinridge, Louisville & N. R. Co. v. (Ky.)</i>	3-428
<i>Bredin v. Pittsburg & W. R. Co. (Pa.)</i>	1-718
<i>Breeden, Louisville & N. R. Co. v. (Ky.)</i>	23-131
<i>Brendle v. Spencer (N. Car.)</i>	16-722
<i>Brennan Lumber Co. v. Great Northern Ry. Co. (Minn.)</i>	15-478
<i>Brewer Lumber Co. v. Boston & A. R. Co. (Mass.)</i>	21-548
<i>Brewster v. Chicago & N. W. Ry. Co. (Iowa)</i>	21-399
<i>Bridgeport Traction Co., Heenan v. (Conn.)</i>	5-398
<i>Bridgman, Hanks v. (Eng.)</i>	3-656
<i>Briggs v. Chicago, K. & W. R. Co. (Kan.)</i>	3-447
<i>Brinton, Louisville & N. R. Co. v. (Ky.)</i>	19-153

Brittain <i>v.</i> West End St. R. Co. (Mass.).....	7-773
Broadway Ferry & M. Ave. R. Co., Kalfur <i>v.</i> (N. Y.).....	12-850
Brockett <i>v.</i> Fair Haven & W. R. Co. (Conn.).....	20-406
Brockton St. Ry. Co., Robbins <i>v.</i> (Mass.).....	23-483
Bronson <i>v.</i> Oakes (C. C. A.).....	9-166
Brooklyn Heights R. Co., Ruppert <i>v.</i> (N. Y.).....	11-873
Brooks <i>v.</i> Manchester S. & L. R. Co. (Eng.).....	3- 27
Spencer <i>v.</i> (Ga.).....	5-202
Broslin <i>v.</i> Kansas City, M. & B. R. Co. (Ala.).....	9- 99
Brown; Atchison, Topeka <i>v.</i> Sante Fe Railroad Co. <i>v.</i> (Kan.)....	2-113
<i>v.</i> Atlanta Ry. & Power Co. (Ga.).....	22-886
<i>v.</i> Benson (Ga.).....	5-316, 10-161
Boston & A. R. Co. <i>v.</i> (Mass.).....	19-304
Central of Ga. Ry. Co. <i>v.</i> (Ga.).....	21-561
<i>v.</i> Chicago & N. W. Ry. Co. (Wis.).....	13-603
<i>v.</i> Chicago R. I. & P. Ry. Co. (Kan.).....	11-408
Cicero & P. St. Ry. Co. <i>v.</i> (Ill.).....	23-930
Huber <i>v.</i> (Wash.).....	10-884
<i>v.</i> Illinois Cent. R. Co. (Ky.).....	6-772
Illinois Cent. R. Co. <i>v.</i> (Ky.).....	16-827
Illinois Cent. R. Co. <i>v.</i> (Miss.).....	19-681
Joliffe <i>v.</i> (Wash.).....	3-254
<i>v.</i> Louisville, H. & St. L. Ry. Co. (Ky.).....	23-883
<i>v.</i> Louisville & N. R. Co. (Ky.).....	10- 55
Louisville & N. R. Co. <i>v.</i> (Ala.).....	14-794
<i>v.</i> Pine Creek R. Co. (Pa.).....	8-693
St. Louis I. M. & S. Ry. Co. <i>v.</i> (Ark.).....	16-440
St. Louis, etc., R. Co. <i>v.</i> (Ark.).....	4-262
<i>v.</i> Seattle City R. Co. (Wash.).....	9-859
<i>v.</i> Sioux City & P. Ry. Co. (Iowa).....	10-306, 17-363
Southern Pac. R. Co. <i>v.</i> (C. C. A.).....	1-594, 5-711
<i>v.</i> State (Ga.).....	17-247
Western & A. R. Co. <i>v.</i> (Ga.).....	10-107
<i>v.</i> Wilmington City Ry. Co. (Del.).....	12-439
Brown & Haywood Co. <i>v.</i> Pennsylvania Co. (Minn.).....	2-640
Bruce <i>v.</i> Beall (Tenn.).....	9-841
Brunswick Grocery Co. <i>v.</i> Brunswick & W. R. Co. (Ga.).....	13- 85
Brunswick Traction Co., Foley <i>v.</i> (N. J.).....	23-621
Brunswick & W. R. Co., Brunswick Grocery Co. <i>v.</i> (Ga.).....	13- 85
<i>v.</i> Gibson (Ga.).....	5-441
Griffin <i>v.</i> (Ga.).....	21-808
<i>v.</i> Moore (Ga.).....	12- 84
Petty <i>v.</i> (Ga.).....	16-840
<i>v.</i> Weinkle (Ga.).....	14- 50
<i>v.</i> Wiggins (Ga.).....	22-588
Brunswick, etc., R. Co. <i>v.</i> Smith (Ga.).....	5-695
Bryan Fruit Co., St. Louis & San Francisco Railway Co. <i>v.</i> (Kan.).....	2-691
Bryan, McCook <i>v.</i> (Okla.).....	5-699
Savannah T. & J. of H. R. Co. <i>v.</i> (Ga.).....	1-279
Southern Ry. Co. <i>v.</i> (Ala.).....	19- 7
<i>v.</i> Southern Ry. Co. (N. Car.).....	21-542
Bryant, Adm'r of Davidson, Chicago, St. Paul, Minn. & O. R. Co. <i>v.</i> (C. C. A.).....	2-319
Atlanta, K. & N. Ry. Co. <i>v.</i> (Ga.).....	15-817
Southern Ry. Co. <i>v.</i> (Ga.).....	12-159
Bryce <i>v.</i> Chicago, M. & St. P. R. Co. (Iowa).....	9-832
Bucholz <i>v.</i> New York, L. E. & W. R. Co. (N. Y.).....	3-453, 454
Buckalew, Texas & P. R. Co. <i>v.</i> (Tex.).....	3-432, 433
Buckley <i>v.</i> Flint & P. M. R. Co. (Mich.).....	15- 1
Budd <i>v.</i> Salt Lake City R. Co. (Utah).....	22- 6
Buffalo R. Co., Thompson <i>v.</i> (N. Y.).....	1-264
Buffalo, R. & P. R. Co., Allen <i>v.</i> (N. Y.).....	9-265
Bullard, Fulton <i>v.</i> (C. C. A.).....	14-547
Bullock, Delaware, L. & W. R. Co. <i>v.</i> (N. J.).....	7-370

Bullock <i>v.</i> Delaware, L. & W. R. Co. (N. J. App.).....	11-837
Bundy, Indiana, I. & I. R. Co. <i>v.</i> (Ind.).....	14-660
Bunnell <i>v.</i> Rio Grande, etc., R. Co. (Utah).....	4-261
Bunyan <i>v.</i> Citizens' Railway Co. (Mo.).....	1-246
Burden, Chicago & G. T. R. Co. <i>v.</i> (Ind.).....	3-447, 448
Burgess, Alabama G. S. R. Co. <i>v.</i> (Ala.).....	10-835
Burgher <i>v.</i> Chicago R. I. & P. Ry. Co. (Iowa).....	11-130
Burgin <i>v.</i> Richmond & D. R. Co. (N. Car.).....	2-259
Burk <i>v.</i> Arcata & M. R. R. Co. (Cal.).....	15-769
Burke <i>v.</i> Central R. Co. of New Jersey (N. J.).....	19-258
<i>v.</i> Ellis (Tenn.).....	19-695
Western & A. R. Co. <i>v.</i> (Ga.).....	5-386
Burkhardt, Philadelphia W. & B. R. Co. <i>v.</i> (Md.).....	5-189
Burleigh, Carroll <i>v.</i> (Wash.).....	5-628
Burlington, C. R. & N. Ry. Co., Burlington Gaslight Co. <i>v.</i> (U. S.).....	11-878
Goodrich <i>v.</i> (Iowa).....	3-620, 10-719
Lucas <i>v.</i> (Iowa).....	20-366
Nicholas <i>v.</i> (Minn.).....	16-341
Ratzer <i>v.</i> (Minn.).....	4-55
State, Stone, Atty. Gen., <i>v.</i> (Iowa).....	7-610
Burlington Gaslight Co. <i>v.</i> Burlington, C. R. & N. Ry. Co. (U. S.).....	11-878
Burlington Traction Co., Ploof <i>v.</i> (Vt.).....	13-702
Burnett <i>v.</i> Eastern & A. R. Co. (N. J.).....	10-469
<i>v.</i> Pennsylvania R. Co. (Pa.).....	4-449
<i>v.</i> Wilmington, etc., R. Co. (N. Car.).....	7-773
Burney, Florida Cent. & P. R. Co. <i>v.</i> (Ga.).....	6-543
Burnham <i>v.</i> Concord & M. R. R. (N. H.).....	16-320
Burns, Chicago, B. & Q. R. Co. <i>v.</i> (Neb.).....	22-883
<i>v.</i> Chicago Ft. M. & D. R. Co. (Iowa).....	10-867
<i>v.</i> Chicago, M. & St. P. Ry. Co. (Wis.).....	17-290
<i>v.</i> Southern Ry. Co. (S. Car.).....	22-624
Burr <i>v.</i> Pennsylvania R. Co. (N. J.).....	16-162
Burris, Baltimore & O. R. Co. <i>v.</i> (C. C. A.).....	23-912
Burrows, St. Louis & S. F. R. Co. <i>v.</i> (Kan.).....	17-678
Burrus <i>v.</i> City of Columbus (Ga.).....	12-869
Burton <i>v.</i> Laughrey (Mont.).....	3-657
<i>v.</i> Western, etc., R. Co. (Ga.).....	5-708
Bush, Central Texas & N. W. R. Co. <i>v.</i> (Tex.).....	3-264
<i>v.</i> Delaware, L. & W. R. Co. (N. Y.).....	21-516
Southern Ry. Co. <i>v.</i> (Ala.).....	19-46
<i>v.</i> Union Pac. R. Co. (Kan.).....	20-798
Bussey <i>v.</i> Charleston & W. C. Ry. Co. (S. Car.).....	11-474
Buswell <i>v.</i> Southern Pacific Co. (Cal.).....	5-10
Butler, Grand Rapids & I. R. Co. <i>v.</i> (U. S.).....	1-594
<i>v.</i> Manhattan R. Co. (N. Y.).....	2-383, 386
<i>v.</i> St. Paul & D. R. Co. (Minn.).....	2-261
Butler & P. R. Co., Reiber <i>v.</i> (Pa.).....	23-421
Butte A. & P. R. Co. <i>v.</i> Montana U. R. Co. (Mont.)....	3-25, 95, 96, 99
Butte & B. Con. Min. Co. <i>v.</i> Montana Ore-Purchasing Co. (Mont.).....	10-754
Buttelli <i>v.</i> Jersey City, etc., R. Co. (N. J.).....	7-784, 785
Butts, Chicago, K. & W. R. Co. <i>v.</i> (Kan.).....	3-30, 32
<i>v.</i> Cleveland, C., C. & St. L. R. Co. (C. C. A.).....	23-100
Byrne, Missouri, K. & T. Ry. Co. <i>v.</i> (Ind. Ter.).....	13-17
Missouri, K. & T. Ry. Co. <i>v.</i> (C. C. A.).....	18-573
Byrum, Chicago & Alton R. Co. <i>v.</i> (Ill.).....	2-211, 261, 263
Caffery Cent. Refinery & R. Co., Limited, Gusman <i>v.</i> (La.).....	8-463
Cagwin <i>v.</i> Chicago & N. W. Ry. Co. (Iowa).....	20-236
Calhoun, Western & A. R. Co. <i>v.</i> (Ga.).....	11-334
California & N. Ry. Co., Eureka & K. R. R. Co. <i>v.</i> (C. C. A.)....	22-404
California Powder Works <i>v.</i> Atlantic & P. R. Co. (Cal.).....	4-301
California St. Cable R. Co., Cross <i>v.</i> (Cal.).....	1-262, 276
California S. R. Co., Germain Fruit Co. <i>v.</i> (Cal.).....	22-362

Callaghan, Union P. R. Co. v. (U. S.).....	3-360
Callery v. Easton Transit Company (Pa.).....	11-323
Calumet Electric St. Ry. Co., South Chicago City Ry. Co. v. (Ill.).....	11-789
Calvert v. Southern Ry. Co. (S. Car.).....	19-173
Cambron v. Omaha & St. L. R. Co. (Mo.).....	23-634
Camden & A. R. Co., Deery v. (Pa.).....	2-225
v. Williams (N. J.).....	11-600
Camden, G. & W. R. Co., Pierce v. (N. J.).....	5-548
v. Preston (N. J.).....	5-616
West Jersey R. Co. v. (N. J.).....	1-170, 189, 322, 325
Camden Horse R. Co. v. Scott (N. J.).....	1-132
v. West Jersey Traction Co. (N. J.).....	1-132
West Jersey Traction Co. v. (N. J.).....	4-520
Camden, etc., R. Co., Young v. (N. J.).....	8-768
Cameron, Atchison, Topeka & Sante Fe K. Co. v. (C. C. A.)..	2-108, 109
Cameron v. Great Northern Ry. Co. (N. Dak.).....	12-520
Omaha St. R. Co. v. (Neb.).....	1-258, 278
Cammell, McCord v. (Eng.).....	3-451, 452
Campbell, Atchison, T. & S. F. Ry. Co. v. (Kan. App.).....	13- 69
Atchison, T. & S. F. Ry. Co. v. (Kan.).....	16-828
v. New Jersey Dry-Dock & Transportation Co. (N. J.)...	11- 12
Canal Co. v. Bonham (Pa.).....	5-720
Canal & C. R. Co. v. Crescent City R. Co. (La.).....	1-229
Canastota Knife Co. v. Newington, etc., Co. (Conn.).....	7-787
Candee v. New York, N. H. & H. R. Co. (Conn.).....	21-434
Cannon, Central of Georgia Ry. Co. v. (Ga.).....	14-405
v. Chicago, M. & St. P. R. Co. (Iowa).....	9- 12
Canton, A. & N. R. Co. v. Paine (Miss.).....	3-453
Cartrell v. Kansas City, M. & B. R. Co. (Miss.).....	14- 30
Cape Girardeau & S. W. R. Co., Missouri & T. R. & F. L. Co. v. (U. S.).....	5-703
Cape May, D. B. & S. P. R. Co. v. City of Cape May (N. J.)....	6-329
City of Cape May v. (N. J.).....	7-585
City of Cape May, State (Cape May, D. B. & S. P. R. Co., Prosecutor) v. (N. J.).....	3-592
Carbondale Traction Co., May v. (Pa.).....	1-171
Carden v. Louisville & N. R. Co. (Ky.).....	10-872
St. Louis S. W. R. Co. v. (Tex.).....	3-449
Cargille, East Tennessee & W. N. C. R. Co. v. (Tenn.).....	19-282
Cargill, W. W., Company v. State of Minnesota (U. S.).....	20-658
Carlisle v. Mercantile Trust Co. (C. C. A.).....	22-209
Carlisle & Mt. H. Ry. Co. v. Philadelphia, H. & P. R. Co. (Pa.).....	22-754
Carlson v. Cincinnati, S. & M. R. Co. (Mich.).....	14-803
Consolidated City & C. P. R. Co. v. (Kan.).....	7-274
Carmer v. Chicago, St. P., M. & O. R. Co. (Wis.).....	8-331
Carnegie Steel Co., Limited, New-England R. Co. v. (C. C. A.)..	5-193
Southern Railway Company v. (U. S.).....	17- 1
Southern R. Co. v. (U. S.).....	6-420
Carolina Cent. R. Co., Bogan v. (N. Car.).....	23-322
Gwyn Harper Mfg. Co. v. (N. Car.).....	21-429
Leak v. (N. Car.).....	14-739
Little v. (N. Car.).....	7-769, 772, 779
Means v. (N. Car.).....	14-363
Mitchell v. (N. Car.).....	13-201
Neal v. (N. Car.).....	18- 51
Wilmington St. R. Co. v. (N. Car.).....	7-786
Carolina, C. G. & C. Ry. Co., Farmers' Loan & Trust Co. v. (C. C. A.).....	15-212
South Carolina & G. R. Co. v. (C. C. A.).....	15-212
Carolina Midland Ry. Co., Baltzeger v. (S. Car.).....	14-845
Cave v. (S. Car.).....	13-195
Caron v. Boston, etc., R. Co. (Mass.).....	5-705
Carpenter v. Greene County (Ala.).....	23-191

Carpenter <i>v.</i> Northern Pac. R. Co. (C. C. A.).....	5-712, 713
Carper <i>v.</i> Receivers of Norfolk & W. R. Co. (U. S.).....	7- 95
Carrier <i>v.</i> Union Pac. Ry. Co. (Kan.).....	17-513
Carroll, Alabama G. S. R. Co. <i>v.</i> (C. C. A.).....	9-759
<i>v.</i> Burleigh (Wash.).....	5-628
Carrollton Furniture Mfg. Co., United States Mail Line Co. <i>v.</i> (Ky.).....	9-286
Carson, Electric R. Co. <i>v.</i> (Ga.).....	8-769, 770
Carstens, Louisiana Western Extension Ry. Co. <i>v.</i> (Tex. Civ. App.).....	12-781
Carter <i>v.</i> Boston & A. R. Co. (Mass.).....	21-492
Illinois Cent. R. Co. <i>v.</i> (Ill.).....	8-485
<i>v.</i> New York El. R. Co. (N. Y.).....	1-378
Case <i>v.</i> Central R. Co. of New Jersey (N. J.).....	7-347
Casey <i>v.</i> Grand Trunk Ry. Co. (N. H.).....	16-361
<i>v.</i> Northern Pac. R. Co. (Wash.).....	7-599
Cashie & C. R. & L. R. Co., Wellington & P. R. Co. <i>v.</i> (N. Car.).....	3-32, 29
Cass County, Chicago, M. & St. P. Ry. Co. <i>v.</i> (N. Dak.).....	11-813
Chicago, etc., R. Co. <i>v.</i> (Neb.).....	8-773
Catawissa R. Co., Fischer <i>v.</i> (Pa.).....	4-310
Cavallaro <i>v.</i> Texas & P. R. Co. (Cal.).....	2-645, 717
Cave <i>v.</i> Carolina Midland Ry. Co. (S. Car.).....	13-195
Cawley <i>v.</i> La Crosse City Ry. Co. (Wis.).....	12-483
Cayce, Louisville & N. R. Co. <i>v.</i> (Ky.).....	3-656
Cedar Rapids, G. & N. W. Ry. Co., Minneapolis & St. L. R. Co. <i>v.</i> (Iowa).....	23-152
Cedar Rapids & M. C. Ry. Co., Hall <i>v.</i> (Iowa).....	23-316
Orr <i>v.</i> (Iowa).....	1-239
Cederson <i>v.</i> Oregon R. & Nav. Co. (Ore.).....	21-624, 22-655
Central of Georgia Ry. Co. <i>v.</i> Bernstein (Ga.).....	20-952
<i>v.</i> Black (Ga.).....	23-864
Blackstone <i>v.</i> (Ga.).....	20-365
<i>v.</i> Bond (Ga.).....	17-757
<i>v.</i> Brown (Ga.).....	21-561
<i>v.</i> Cannon (Ga.).....	14-405
Dixon <i>v.</i> (Ga.).....	17-380
<i>v.</i> Dorsey (Ga.).....	14-212
Dorsey <i>v.</i> (Ga.).....	21-566
<i>v.</i> Dumas (Ala.).....	23-956
<i>v.</i> Edwards (Ga.).....	19-779
<i>v.</i> Forshee (Ala.).....	18-467
<i>v.</i> Hall (Ga.).....	18- 26
<i>v.</i> Howard (Ga.).....	21- 15
<i>v.</i> Johnston (Ga.).....	12-286
<i>v.</i> Joseph (Ala.).....	18-659
<i>v.</i> Kavanaugh (C. C. A.).....	13-119
<i>v.</i> Lippman (Ga.).....	18-640
<i>v.</i> Murphey (Ga.).....	21-555
<i>v.</i> Neidlinger (Ga.).....	17-758
<i>v.</i> Perkerson (Ga.).....	21- 63
Plunkett <i>v.</i> (Ga.).....	13-860
<i>v.</i> Price (Ga.).....	12-283
<i>v.</i> Ross (Ga.).....	14- 12
State <i>v.</i> (Ga.).....	16-845
<i>v.</i> Trammell (Ga.).....	23-856
<i>v.</i> Tribble (Ga.).....	20-794
<i>v.</i> Williams (Ga.).....	13-861
<i>v.</i> Wood (Ga.).....	11-850
<i>v.</i> Wood (Ala.).....	20-906
<i>v.</i> Woolsey (Ga.).....	19-573
Central Pac. R. Co. <i>v.</i> Nevada (U. S.).....	4-264
<i>v.</i> United States (U. S.).....	6-777
Central Park, N. & E. R. Co., Barker <i>v.</i> (N. Y.).....	6-686

Central Pass. R. Co. <i>v.</i> Chatterson (Ky.)	1-262, 272, 278
Central R. Co., Haver <i>v.</i> (N. J. App.)	12-261
<i>v.</i> Knowles (Ill.)	22-795
<i>v.</i> Serfass (Ill.)	1-269
Central R. Co. of Baltimore <i>v.</i> Coleman (Md.)	1-275
Central R. Co. of New Jersey, Burke <i>v.</i> (N. J.)	19-258
Case <i>v.</i> (N. J.)	7-347
Cone <i>v.</i> (N. J.)	12-278
Exton <i>v.</i> (N. J.)	14-240
Glynn <i>v.</i> (Mass.)	17-482
Haver <i>v.</i> (N. J.)	17-490
Rothschild <i>v.</i> (Pa.)	2-282, 283
Runyan <i>v.</i> (N. J.)	19-290
<i>v.</i> Smalley (N. J.)	10-463
Swanson <i>v.</i> (N. J.)	16-624
Van Steuben <i>v.</i> (Pa.)	9-485
Wiegand <i>v.</i> (Pa.)	5-61
Central Railroad & Banking Co. <i>v.</i> Cooper (Ga.)	2-688
<i>v.</i> Ogletree (Ga.)	2-382
<i>v.</i> Wright, Comptroller General, (U. S.)	7-181
Central Railway & Electric Co., McAdam <i>v.</i> (Conn.)	5-7
New England R. Co. <i>v.</i> (Conn.)	8-261
Central Street R. Co., Santa Rosa City R. Co. <i>v.</i> (Cal.)	1-105
Central Texas & N. W. R. Co. <i>v.</i> Bush (Tex.)	3-264
<i>v.</i> Nycum (Tex.)	3-435
Central Traction Co., Thatcher <i>v.</i> (Pa.)	1-275
Central Transp. Co., Pullman Palace Car Co. <i>v.</i> (C. C. A.)	3-451
Central Trust Co. <i>v.</i> East Tennessee, V. & G. R. Co. (James, Intervener) (Tenn.)	2-677, 718
<i>v.</i> East Tennessee, V. & G. R. Co. (Meredith, Intervener) (C. C.)	2-159
<i>v.</i> Savannah & W. R. Co. (C. C.)	2-717
Central Trust Co. of New York <i>v.</i> Chattanooga, R. & C. R. Co. (C. C. A.)	17-548
<i>v.</i> Chattanooga, R. & C. R. R. (Owens, Interveners) (C. C.)	12-869
<i>v.</i> Denver & R. G. R. Co. (C. C. A.)	19-513
<i>v.</i> Hennen (C. C. A.)	13-409
Louisville & N. R. Co. <i>v.</i> (C. C. A.)	14-820
<i>v.</i> Thurman (Ga.)	3-164
Central Vermont R. Co. (American Loan & Trust Co., Intervener), Grand Trunk Ry. Co. <i>v.</i> (C. C. Vt.)	11-693
Central Vermont R. Co., Judson <i>v.</i> (N. Y.)	15-7
McPeck <i>v.</i> (C. C. A.)	9-828
Chaddick <i>v.</i> Lindsay (Okla.)	8-754, 755
Chaffee, Rutland R. Co. <i>v.</i> (Vt.)	21-513
Chamberlain, Atchison, etc., R. Co. <i>v.</i> (Okla.)	5-698
<i>v.</i> Lake Shore & M. S. Ry. Co. (Mich.)	17-241
<i>v.</i> Missouri Pac. R. Co. (Mo.)	3-401
Receiver, etc., <i>v.</i> Northeastern R. Co. (S. Car.)	1-694
Chambliss, St. Louis S. W. Ry. Co. of Texas <i>v.</i> (Tex.)	18-204
Chance, Atchison, T. & S. F. R. Co. <i>v.</i> (Kan.)	4-328
Chancellor, Chicago & E. I. R. Co. <i>v.</i> (Ill.)	10-842
Chaney, Savannah, F. & W. Ry. Co. <i>v.</i> (Ga.)	11-1
Chappell, Drain Com'r, Chicago & Grand Trunk Ry. Co. <i>v.</i> (Mich.)	19-607
Charless, Northern Pac. R. Co. <i>v.</i> (U. S.)	4-128
Charleston, C. & C. R. Co., City of Johnson City <i>v.</i> (Tenn.)	12-866
Charleston & S. Ry. Co., Glover <i>v.</i> (S. Car.)	17-102
Johnson <i>v.</i> (S. Car.)	12-761, 18-556
Matthews <i>v.</i> (S. Car.)	2-109
<i>v.</i> Varnadore (Ga.)	2-156, 162
Wilson <i>v.</i> (S. Car.)	9-211
Charleston & W. C. Ry. Co., Bodie <i>v.</i> (S. Car.)	22-818
Bussey <i>v.</i> (S. Car.)	11-474

Charleston & W. C. Ry. Co., <i>Dean v.</i> (S. Car.)	15-555
<i>Evans v.</i> (Ga.)	15-200
<i>v. Hughes</i> (Ga.)	11-541
<i>Jones v.</i> (S. Car.)	23-261
<i>v. Miller</i> (Ga.)	21-339
Charlotte, C. & A. R. Co. <i>v.</i> Chester & L. Narrow-Gauge R. Co. (N. Car.)	5-214
Charlotte Electric St. Ry. Co., <i>Moore v.</i> (N. Car.)	22-785
Charlotte St. R. Co., <i>Nathan v.</i> (N. Car.)	5-709
Chase <i>v.</i> Maine Cent. R. Co. (Mass.)	6-343
Chattanooga & D. R. Co. <i>v.</i> Voils (Ga.)	21-302
Chattanooga Electric Ry. Co. <i>v.</i> Johnson (Tenn.)	8-758
<i>v. Lawson</i> (Tenn.)	12-669
Chattanooga Rapid-Transit Co. <i>v.</i> Venable (Tenn.)	19-768
<i>Walton v.</i> (Tenn.)	19-436
Chattanooga, R. & C. R. Co., Central Trust Co. of New York <i>v.</i> (C. C. A.)	17-548
Chattanooga R. & C. R. R. (Owens, Interveners), Central Trust Co. of New York <i>v.</i> (C. C.)	12-869
Chattanooga, R. & S. Ry. Co. <i>v.</i> Downs (C. C. A.)	21-493
Chattanooga Southern R. Co., <i>Hardin v.</i> (Ga.)	22-632
<i>v. Myers</i> (Ga.)	19-776
Chatterton, Central Pass. R. Co. <i>v.</i> (Ky.)	1-262, 272, 278
Chenowith, Consolidated Traction Co. <i>v.</i> (N. J.)	5-599
Chesapeake & N. R. Co. <i>v.</i> Venable (Ky.)	21-449
Chesapeake & Ohio Canal Co. <i>v.</i> Baltimore & Ohio R. Co. (Md.)	1-119
Chesapeake & Ohio Railway Company <i>v.</i> American Exch. Bank (Va.)	3-424, 425
Chesapeake & O. Ry. Co. <i>v.</i> Anderson (Va.)	9-136
<i>v.</i> Atlantic Transp. Co. (N. J.)	21-709
<i>v.</i> Bercaw (Ky.)	23-952
Berkeley <i>v.</i> (W. Va.)	8-757, 758
Bias <i>v.</i> (W. Va.)	13-616
Claiborne <i>v.</i> (W. Va.)	14-217
<i>v.</i> Commonwealth (Ky.)	14-508
Connell <i>v.</i> (Va.)	5-333
Connell <i>v.</i> (Ky.)	19-236
<i>v.</i> Davis (Ky.)	19-710
<i>v.</i> Dixon (Ky.)	14-827
Eells <i>v.</i> (W. Va.)	21-668
<i>v.</i> Friel (Ky.)	8-126
Haffner <i>v.</i> (Va.)	12-556
<i>v.</i> Hennessey (C. C. A.)	16-515
Hoover <i>v.</i> (W. Va.)	13-573
<i>v.</i> Howard (U. S.)	17-660
Huff <i>v.</i> (W. Va.)	17-762
Judd <i>v.</i> (Ky.)	11-517
<i>v.</i> Kelley (Ky.)	13-568
<i>v.</i> King (C. C. A.)	17-167
<i>v.</i> Kobs (Ky.)	1-61, 64
<i>v.</i> Lash (Va.)	3-569
Louisville & N. R. Co. <i>v.</i> (Ky.)	16-539
<i>v.</i> Lucy Dixon, Adm'r of Alexander Dixon, Deceased, R. H. Chalkey, and Wm. Sidles (U. S.)	21- 79
McVey <i>v.</i> (W. Va.)	13-788
<i>v.</i> Moats (Ky.)	15-645
<i>v.</i> Mosby (Va.)	4-633
<i>v.</i> Osborne (Ky.)	2-157
Patterson <i>v.</i> (Va.)	6-389
<i>v.</i> Price (W. Va.)	14-399
<i>v.</i> Pugh (Ky.)	8-303
<i>v.</i> Rhoades (W. Va.)	22-283
<i>v.</i> Ringo (Ky.)	23-271
<i>v.</i> Seldomridge (W. Va.)	14-639
<i>v.</i> Smith (Ky.)	7-776, 15-641

Chesapeake & O. Ry. Co., <i>Stidham v. (Ky.)</i>	23-162
Taylor <i>v. (W. Va.)</i>	4-115
Wall <i>v. (C. C. A.)</i>	15-413
Chesapeake, etc., R. Co. <i>v. Commonwealth (Ky.)</i>	4-260
<i>v. Lang (Ky.)</i>	6-775, 776, 779
Lee <i>v. (Ky.)</i>	6-783
Lovejoy <i>v. (W. Va.)</i>	4-262
Chester & L. Narrow-Gauge R. Co., Charlotte, C. & A. R. Co. <i>v.</i> (N. Car.).....	5-214
Tobin <i>v. (S. Car.)</i>	5-630
Chester Traction Co. <i>v. Philadelphia W. & B. R. Co. (Pa.)</i>	12-428
Chicago & Calumet Terminal R. Co. <i>v. Whiting H. & E. Chicago</i> Street R. Co. (Ind.).....	1-181
Chicago, Chicago & A. R. Co. <i>v. (Ill.)</i>	3-188
Chicago, B. & O. R. Co. <i>v. (Ill.)</i>	3-188
Chicago City R. Co. <i>v. Densmore (Ill.)</i>	6-794
Doane <i>v. (Ill.)</i>	6-792
Ebsery <i>v. (Ill.)</i>	6-794
<i>v. Rood (Ill.)</i>	7-784
<i>v. Taylor (Ill.)</i>	9-513
Chicago & A. R. Co. <i>v. Blaul (Ill.)</i>	12-418
<i>v. Byrum (Ill.)</i>	2-211, 261, 263
<i>v. Chicago (Ill.)</i>	3-188
<i>v. City of Pontiac (Ill.)</i>	9-382
Clark <i>v. (Mo.)</i>	2-307
<i>v. Cullen (Ill.)</i>	19-523
<i>v. Davis (Ill.)</i>	2-581
<i>v. Glenny (Ill.)</i>	12-839
<i>v. Harrington (Ill.)</i>	23-429
<i>v. Henneberry (Ill.)</i>	1-46, 274
Hook <i>v. (Mo.)</i>	3-447
Hughes <i>v. (Mo.)</i>	2-284
<i>v. Kelly (Ill.)</i>	17- 52
Matz <i>v. (Mo.)</i>	10-592
<i>v. Mulford (Ill.)</i>	5-229
<i>v. Nelson (Ill.)</i>	1-274, 2-384, 385
Payne <i>v. (Mo.)</i>	6-291
Richardson <i>v. (Mo.)</i>	13-170
<i>v. Stevens (Ill.)</i>	20-182
<i>v. Swan (Ill.)</i>	12-674
<i>v. Winters (Ill.)</i>	12- 93
Chicago, B. & K. C. R. Co., Sinclair <i>v. (Mo.)</i>	3-269
Chicago, B. & N. Ry. Co., Bigelow <i>v. (Wis.)</i>	17-341
Hinz <i>v. (Wis.)</i>	3-611
Mueller <i>v. (Minn.)</i>	12-137
Chicago, Burlington & Quincy R. Co., Akeson <i>v. (Iowa)</i>	11-430
<i>v. Beatrice Rapid-Transit & Power Co. (Neb.)</i>	4-325
<i>v. Bond (Neb.)</i>	15-759
<i>v. Burns (Neb.)</i>	22-883
<i>v. Chicago (Ill.)</i>	3-188
<i>v. City of Chicago (U. S.)</i>	7- 26
<i>v. City of Naperville (Ill.)</i>	8-702
City of York <i>v. (Neb.)</i>	14-200
Clinton <i>v. (Neb.)</i>	19-778
<i>v. Cox (Neb.)</i>	7-379
Eckman <i>v. (Ill.)</i>	9-368
Ellsworth <i>v. (Iowa)</i>	2- 80
<i>v. Englehart (Neb.)</i>	15-404
Farmington Mercantile Co. <i>v. (Mass.)</i>	5- 59
<i>v. Gardiner (Neb.)</i>	6-534
<i>v. Hague (Neb.)</i>	4-476
<i>v. Hyatt (Neb.)</i>	4- 44
Maine <i>v. (Iowa)</i>	9-299
<i>v. Moseley (Neb.)</i>	15-426
<i>v. Murowski (Ill.)</i>	15-697

Chicago, Burlington & Quincy R. Co. v. O'Connor (Neb.)	1- 51
<i>v. Oyster (Neb.)</i>	12-655
<i>v. Richardson County (Neb.)</i>	21-702
<i>v. Roberts (Colo.)</i>	15-572
<i>v. Spirk (Neb.)</i>	7-205
<i>v. State City of Omaha (Neb.)</i>	3-573
<i>v. State of Nebraska, City of Omaha (U. S.)</i>	10-423
<i>v. State, State Board of Transportation (Neb.)</i>	7-349
<i>Tomlinson v. (C. C. A.)</i>	16-344
<i>v. Williams (Neb.)</i>	21-175
<i>v. Wolfe (Neb.)</i>	22- 26
<i>v. Yost (Neb.)</i>	21- 92
Chicago & E. I. R. Co. v. Chancellor (Ill.)	10-842
<i>v. Driscoll (Ill.)</i>	12-644
<i>v. Jennings (Ill.)</i>	22-127
<i>v. Knapp (Ill.)</i>	14-828
<i>v. Mochell (Ill.)</i>	23-927
<i>Overtoon v. (Ill.)</i>	15-849
<i>v. Rouse (Ill.)</i>	12-706
<i>State v. (Ind.)</i>	3-450
<i>v. Storment (Ill.)</i>	21-116
<i>v. Wright (Ill.)</i>	1-716
Chicago & E. R. Co. v. Meech (Ill.)	7-667
<i>v. Thomas (Ind.)</i>	9-181, 21-343
<i>Thompson v. (Ind.)</i>	6-611
Chicago, Ft. M. & D. M. R. Co., Burns v. (Iowa)	10-867
Chicago & Grand Trunk Ry. Co. v. Burden (Ind.)	3-447, 448
<i>v. Chappell, Drain Com'r, (Mich.)</i>	19-607
<i>Heller v. (Mich.)</i>	3-599
<i>Shaw v. (Mich.)</i>	18-131
<i>Sweetland v. (Mich.)</i>	11-613
<i>Tucker v. (Mich.)</i>	18-155
Chicago, G. W. Ry. Co., Crawford v. (Iowa)	16-628
<i>Croft v. (Minn.)</i>	11-652
<i>v. First Methodist Episcopal Church of Leavenworth City, Kan. (C. C. A.)</i>	19-538
<i>Hemmi v. (Iowa)</i>	8-547
<i>Keist v. (Iowa)</i>	16-297
<i>Kowalski v. (Iowa)</i>	23- 32
<i>Nichols v. (Iowa)</i>	2-543
<i>Olson v. (Minn.)</i>	15-837
<i>v. Price (C. C. A.)</i>	16-324
<i>v. St. Paul Union Depot Co. (Minn.)</i>	7-679
<i>Scott v. (Iowa)</i>	20-884
<i>Smithson v. (Minn.)</i>	11-726
<i>Stoner v. (Iowa)</i>	18-221
<i>Thompson v. (Minn.)</i>	3-444
<i>Trezona v. (Iowa)</i>	12-104
Chicago & I. W. R. Co., Ellsworth v. (Iowa)	3- 5
Chicago, Kansas & N. R. Co. v. Parkinson (Kan.)	3-464
Chicago, Kansas & W. R. Co. v. Bell (Kan.)	2-222, 384, 385
<i>Briggs v. (Kan.)</i>	3-447
<i>v. Butts (Kan.)</i>	3-30, 32
<i>v. Frazer (Kan.)</i>	2-206
<i>v. Need (Kan.)</i>	3-236
<i>v. Ransom (Kan.)</i>	3-259
Chicago, Lake Shore & M. S. R. Co. v. (Ill.)	3-188
Chicago, M. & N. R. Co., Ligare v. (Ill.)	9- 52
Chicago, Milwaukee & St. Paul Railway Company, Bennett v. (S. Dak.)	5-148
<i>v. Bosworth, Receiver of the Chicago, Peoria & St. Louis Railway Company, (U. S.)</i>	19-680
<i>Bradley v. (Wis.)</i>	5- 40
<i>Bradley v. (Mo.)</i>	8-728
<i>Bryce v. (Iowa)</i>	9-832

Chicago, Milwaukee & St. Paul Railway Company, Burns v. (Wis.).....	17-290
Canon v. (Iowa).....	9- 12
v. Cass County (N. Dak.).....	11-813
v. Chicago, St. P., M. & O. Ry. Co. (Wis.).....	23-575
Church v. (S. Dak.).....	2- 1
v. City of Milwaukee (Wis.).....	9-537
Coates v. (S. Dak.).....	3-426
Condran v. (C. C. A.).....	2- 16
Crane v. (Minn.).....	22-869
Davis v. (Wis.).....	4-622
Dewey v. (Wis.).....	11-275
Ean v. (Wis.).....	9-475
Ferguson v. (Iowa).....	8-241
Finkelston v. (Wis.).....	6-193
Foy v. (Minn.).....	2-646
v. Grant (Ill.).....	11-823
Gray v. (Ill.).....	21-252
Graybill v. (Iowa).....	20-178
Groesbeck v. (Wis.).....	5-177
Hamilton v. (Iowa).....	8-526
Harding v. (Iowa).....	6-615
Hartford Fire Insurance Company v. (U. S.).....	16-779
Hertert, Treasurer, v. (Iowa).....	21-672
Keilbach v. (N. Dak.).....	14- 28
v. Keyes (C. C.).....	13-128
Kincade v. (Iowa).....	14-559
Loeser v. (Wis.).....	8-421
McKeon v. (Wis.).....	8-219
Mankey v. (S. Dak.).....	21-248
Medberry v. (Wis.).....	17-494
Meloche v. (Mich.).....	10- 82
Meuer v. (S. Dak.).....	2-493
Northwestern Tel. Exch. Co. v. (Minn.).....	13-449
Pennison v. (Wis.).....	4-573
Pier v. (Wis.).....	5-407
Reddington v. (Iowa).....	11- 40, 14-563
Schneider v. (Wis.).....	11- 81
Schrimper v. (Iowa).....	23-385
Schug v. (Wis.).....	15-705
Schulte v. (Iowa).....	21-356
Solan v. (Iowa).....	2-167
Spencer v. (Wis.).....	17-163
v. Starkweather (Iowa).....	3-189
Swanson v. (Minn.).....	17-753
Taylor v. (Wis.).....	1-170
Thomas v. (Iowa).....	9-854, 21-586
v. Tompkins (C. C. S. Dak.).....	12- 70
v. Tompkins, Board of Railway Commissioners of South Dakota, (U. S.).....	17-349
Union Pac. R. Co. v. (U. S.).....	6- 1
v. Wallace (C. C. A.).....	2-651
Walters v. (Wis.).....	15-606
Ward v. (Wis.).....	14-322
Weller v. (Mo.).....	22- 61
Work v. (C. C. A.).....	20-636
Young v. (Iowa).....	6-231
Chicago North Shore St. Ry. Co. v. Payne (Ill.).....	23-706
Chicago & Northwestern Ry. Co., Backhaus v. (Wis.).....	3-426
Barr Co. v. (C. C. A.).....	23-587
Baxter v. (Wis.).....	16-476
Brewster v. (Iowa).....	21-399
Brown v. (Wis.).....	13-603
Cagwin v. (Iowa).....	20-236
v. Cicero (Ill.).....	3-187, 188, 189, 206

Chicago & Northwestern Ry. Co. v. City of Chicago (Ill.)	3-199
Connors v. (Iowa).....	18- 75
Cox v. (Iowa).....	9-604
Crouse v. (Wis.).....	14-780
v. Delaney (Ill.).....	13-859
Donovan v. (Wis.).....	5-318
Fitzgibbon v. (Iowa).....	14-270
Gradert v. (Iowa).....	20-118
King v. (Iowa).....	14-659
McCullen v. (C. C. A.).....	18-500
Masterson v. (Wis.).....	14-395
Morbey v. (Iowa).....	12-687
v. Morehouse (Wis.).....	23-413
Mosnat v. (Iowa).....	21-609
Murray v. (C. C. A.).....	13-278
Ochiltree v. (Iowa).....	9- 30
Ryan v. (Wis.).....	14- 4
Saunders v. (S. Dak.).....	2-220, 382
Schaidler v. (Wis.).....	15-105
Schiffler v. (Wis.).....	8-122
v. Simoni (Ill.).....	5- 80
Snouffer v. (Iowa).....	11-571
Stockwell v. (Iowa).....	12-576
Sutton v. (S. Dak.).....	20-726
Taylor v. (Wis.).....	15-788
Ullman v. (Wis.).....	23-782
Vant v. (Wis.).....	12-470
Wice v. (Ill.).....	23-919
Chicago Packing & Provision Co. v. Savannah, F. & W. R. Co. (Ga.).....	10-391
Chicago, P. & M. R. Co., Allmon v. (Ill.)	3-136, 164
v. Goff (Ill.).....	3-136
Chicago, P. & St. L. R. Co., Hoehn v. (Ill.)	2-261, 383
v. Woolridge (Ill.).....	13-501
Chicago, Rock Island & Pacific R. Co. v. Andreesen (Neb.)	22-536
Box v. (Iowa).....	16-527
Brown v. (Kan.).....	11-408
Burgher v. (Iowa).....	11-130
City of Chicago v. (Ill.).....	1- 1
v. Clonch (Kan.).....	3-240
v. Cowles (Neb.).....	11- 33
Cummings v. (Iowa).....	21-470
Dalton v. (Iowa).....	21-460
v. Farwell (Neb.).....	17-687
Ford v. (Iowa).....	11-489
v. Griffith (Neb.).....	3-167, 168
v. Groves (Kan.).....	3-454
v. Groves (Okla.).....	16-850
v. Hoover (Ind. Ter.).....	23- 73
v. Kinnare (Ill.).....	21-328
v. Lee (C. C. A.).....	14-264
Lund v. (Neb.).....	14-826
v. McCarty (Neb.).....	5-507
McGraw v. (Neb.).....	18-764
v. Martin (Kan.).....	12- 4
v. O'Neill (Neb.).....	13-371
O'Neill v. (Neb.).....	22-578
v. Parks (Kan.).....	14-808
v. Posten (Kan.).....	11-138
Quinlan v. (Iowa).....	21-385
Quinn v. (Iowa).....	12-512
Sanders v. (Okla.).....	18-244
v. Scheinkoenig (Kan.).....	19-232
Shea v. (Minn.).....	5-695
Smith v. (Iowa).....	6- 78

Chicago, Rock Island & Pacific R. Co. <i>v.</i> Sturey (Neb.).....	13-849
Trott <i>v.</i> (Iowa).....	21-391
Union Pac. R. Co. <i>v.</i> (U. S.).....	6- 1
<i>v.</i> Williams (Kan.)	12-336
<i>v.</i> Wood (C. C. A.).....	19-493
<i>v.</i> Young (Neb.).....	14-343
<i>v.</i> Zerneck (Neb.).....	17- 76
Chicago, R. I. & T. R. Co., Barnes <i>v.</i> (Tex.).....	3-28, 29
Ft. Worth Ice Co. <i>v.</i> (Tex.).....	3-134, 169
Foster <i>v.</i> (Tex.).....	3- 1
Long <i>v.</i> (Tex.).....	18-386
<i>v.</i> Porterfield (Tex.).....	12-383
Twombly <i>v.</i> (Tex.).....	3-134
Chicago, S. F. & C. R. Co. <i>v.</i> Ashling (Ill.).....	3-549
Chicago, St. Louis & N. O. Ry. Co. <i>v.</i> Louisville & N. R. Co. (Ky.).....	19-688
Chicago, St. Paul & Kansas City Ry. Co., Fish <i>v.</i> (Minn.).....	23-409
Nelling <i>v.</i> (Iowa).....	4-539
Ring <i>v.</i> (Iowa).....	11- 93, 12-452
Chicago, St. Paul, Minn. & O. Ry. Co., Benson <i>v.</i> (Minn.).....	12-797, 16-546
Bolin <i>v.</i> (Wis.).....	19-735
Brady <i>v.</i> (Neb.)	15-845
<i>v.</i> Bryant, Adm'r of Davidson, (C. C. A.).....	2-319
Carmer <i>v.</i> (Wis.).....	8-331
<i>v.</i> Chicago, M. & St. P. Ry. Co. (Wis.).....	23-575
Conroy <i>v.</i> (Wis.).....	8-714
<i>v.</i> Deaver (Neb.).....	2-545
Evans <i>v.</i> (Wis.).....	1-27, 61
Fay <i>v.</i> (Minn.).....	12-641
Johnson <i>v.</i> (Iowa).....	15-683
Myers <i>v.</i> (C. C. A.).....	14-749
Page <i>v.</i> (S. Dak.).....	2-622
Rudiger <i>v.</i> (Wis.).....	6- 50, 12-196
Scheiber <i>v.</i> (Minn.).....	2-289
Sutton <i>v.</i> (Wis.).....	10-100
Weber Co. <i>v.</i> (Iowa).....	2-473, 474, 20-464
Chicago & Southeastern R. Co. <i>v.</i> Galey (Ind.).....	3-234
Chicago & Southside Rapid-Transit R. Co., Tudor <i>v.</i> (Ill.)	1-340
Chicago Terminal Transfer R. Co., Sewell <i>v.</i> (Ill.).....	13-387
Chicago West Division R. Co. <i>v.</i> Metropolitan West Side El. R. Co. (Ill.).....	3- 45
Chicago & W. I. R. Co. <i>v.</i> Ptacek (Ill.).....	10-481
Chicago & W. M. Ry. Co., Green <i>v.</i> (Mich.).....	6-317
Grunst <i>v.</i> (Mich.).....	5-373
Knapp <i>v.</i> (Mich.).....	13-857
Osborne <i>v.</i> (Mich.).....	8-297
Peter <i>v.</i> (Mich.).....	15-541
Phelps <i>v.</i> (Mich.).....	16-301, 20-137
Chicago, etc., R. Co., Austin <i>v.</i> (Wis.).....	5-323
Baker <i>v.</i> (Iowa).....	6-772
<i>v.</i> Cass County (Neb.).....	8-773
Commercial Bank <i>v.</i> (Ill.).....	4-263
Conway <i>v.</i> (Iowa).....	8-755
Crane <i>v.</i> (Wis.).....	5-706
<i>v.</i> Curtis (Neb.).....	8-753, 762, 765
Davis <i>v.</i> (Wis.).....	5-708, 710, 711
<i>v.</i> Forest Co. (Wis.).....	6-796
Gregory <i>v.</i> (Iowa).....	6-773, 775
Holt <i>v.</i> (Wis.).....	7-775
Hutchinson <i>v.</i> (S. Dak.).....	5-714
Laird <i>v.</i> (Iowa).....	7-772, 776
Leitch <i>v.</i> (Wis.).....	6-777, 782
Ligare <i>v.</i> (Ill.).....	4-256
<i>v.</i> Lyon (Neb.).....	8-764
<i>v.</i> McGinnis (Neb.).....	7-774

Chicago, etc., R. Co., <i>Mills v.</i> (Wis.).....	5-323
<i>v. Mills</i> (Kan.).....	7-770
Milwaukee, etc., Electric R. Co. <i>v.</i> (Wis.).....	7-787
<i>v. Pounds</i> (Ind. Ter.).....	4-262
<i>v. Ryan</i> (Ill.).....	8-754
St. Paul <i>v.</i> (Minn.).....	5-711, 712
Schmitt <i>v.</i> (Iowa).....	5-714
<i>v. Shafer</i> (Neb.).....	5-698
<i>v. Soderburg</i> (Neb.).....	8-761, 764
Wood <i>v.</i> (Minn.).....	5-706
<i>v. Woodworth</i> (Ind. Ter.).....	4-261
Chilton <i>v.</i> Traction Co. (Pa.).....	5-715
Chippewa Val. Elec. R. Co., <i>Stafford v.</i> (Wis.).....	23-364
Chitty <i>v.</i> St. Louis, I. M. & S. Ry. Co. (Mo.).....	23-829
Choctaw, O. & G. R. Co., <i>Kilpatrick v.</i> (Ind. Ter.).....	23-244
Choctaw R. Co., <i>Churchill v.</i> (Okla.).....	5-711
Chollette, Omaha & R. V. R. Co. <i>v.</i> (Neb.).....	2-225, 386, 388
<i>v. Railway Co.</i> (Neb.).....	2-388
Christian, Columbus & R. R. Co. <i>v.</i> (Ga.).....	5-584
Church <i>v.</i> Chicago, Milwaukee & St. Paul R. Co. (S. Dak.).....	2- 1
<i>v. Minneapolis & St. L. Ry. Co.</i> (S. Dak.).....	21-382
Churchill <i>v.</i> Choctaw R. Co. (Okla.).....	5-711
Georgia R. & Banking Co. <i>v.</i> (Ga.).....	21- 17
Cicero, Chicago & N. W. R. Co. <i>v.</i> (Ill.).....	3-187, 188, 189, 206
Cicero & Proviso St. Ry. Co. <i>v.</i> Brown (Ill.).....	23-930
<i>v. City of Chicago</i> (Ill.).....	22-815
<i>v. Meixner</i> (Ill.).....	4-246
<i>v. Priest</i> (Ill.).....	22-694
Cincinnati, H. & D R. Co. <i>v.</i> Aller (Ohio).....	21-304
Farley <i>v.</i> (C. C. A.).....	21-404
Cincinnati, N. O. & T. P. Ry. Co., <i>Crowley v.</i> (Tenn.).....	23-545
<i>v. Graves</i> (Ky.).....	16-177
<i>v. Interstate Commerce Commission</i> (U. S.).....	4-223
Interstate Commerce Commission <i>v.</i> (U. S.).....	4-223*, 673
Interstate Commerce Commission <i>v.</i> (C. C. A.).....	5-703
<i>v. Jackson</i> (Ky.).....	23-216
<i>v. Louisville & N. R. Co.</i> (Ky.).....	2-409
<i>v. N. K. Fairbanks & Co.</i> (C. C. A.).....	13-179
<i>v. Roberts</i> (Ky.).....	21-322
Warax <i>v.</i> (Ky.).....	3-650, 657
<i>v. Wright</i> (Ky.).....	3-441
Cincinnati, S. & M. R. Co., <i>Carlson v.</i> (Mich.).....	14-803
Zagelmeyer <i>v.</i> (Mich.).....	2-18, 161
Cincinnati St. R. Co. <i>v.</i> Whitcomb (C. C. A.).....	1-260, 261, 267, 268, 269, 270, 279
Cincinnati, Wabash & Michigan R. Co. <i>v.</i> City of Anderson (Ind.).....	3-194
Cincinnati, etc., R. Co., <i>Vreeland v.</i> (Mich.).....	6-778
Citizens' Electric, etc., Co. <i>v.</i> County Com'rs (Ohio).....	8-769
Citizens' H. R. Co., City of Belleville <i>v.</i> (Ill.).....	1-26, 118, 119
Citizens' Pass. R. Co. <i>v.</i> E. Harrisburg Pass. R. Co. (Pa.).....	1-189
Citizens' R. Co., <i>Bunyan v.</i> (Mo.).....	1-246
Hicks <i>v.</i> (Mo.).....	1-255, 262, 265, 276
Citizens' St. R. Co. <i>v.</i> City St. R. Co. (Ind.).....	1- 99
Conner <i>v.</i> (Ind.).....	7-287
Dan <i>v.</i> (Tenn.).....	10-880
<i>v. Shepherd</i> (Tenn.).....	23-163
<i>v. Sutton</i> (Ind.).....	8-771, 772
Young <i>v.</i> (Ind.).....	5-717
Citizens' Traction Co., <i>Iaquinta v.</i> (Pa.).....	1-276
Seeley <i>v.</i> (Pa.).....	6-790
City Council of Augusta <i>v.</i> Georgia Railroad & Banking Co. (Ga.).....	7-384
City Council of Greenville, Southern R. Co. <i>v.</i> (S. Car.).....	3-450
City Electric Street R. Co. <i>v.</i> Conery (Ark.).....	3-365
City of Aberdeen <i>v.</i> Honey (Wash.).....	1-163

City of Anderson, Cincinnati, Wabash & Michigan R. Co. v. (Ind.)	3-194
City of Anniston v. Southern R. Co. (Ala.)	9-36
City of Ashville, Ashville St. R. Co. v. (N. Car.)	1-27
City of Atlantic City, State (Currie, Prosecutor) v. (N. J.)	23-958
City of Belleville v. Citizens' H. R. Co. (Ill.)	1-26, 118, 119
City of Bessemer, Alabama G. S. R. Co. v. (Ala.)	6-410
City of Boston v. Boston & A. R. Co. (Mass.)	11-807
City of Buffalo, In re (N. Y.)	22-502
City of Cambridge, Boston & M. R. Co. v. (Mass.)	5-705
City of Cape May, Cape May, D. B. & S. P. R. Co. v. (N. J.)	6-329
v. Cape May, D. B. & S. P. R. Co. (N. J.)	7-585
State (C. M., D. B. & S. P. R. Co., Pros.) v. (N. J.)	6-507, 511
City of Cedar Rapids, Stritesky v. (Iowa)	4-535
City of Charlottesville v. Southern Ry. Co. (Va.)	16-600
City of Chicago, Beeson v. (U. S.)	5-715
Chicago, B. & Q. R. Co. v. (U. S.)	7-26
Chicago & Northwestern R. Co. v. (Ill.)	3-199
v. Chicago, Rock Island & Pacific R. Co. (Ill.)	1-1
Cicero & P. St. Ry. Co. v. (Ill.)	22-815
Illinois Cent. R. Co. v. (Ill.)	3-181
Pennsylvania Co. v. (Ill.)	15-618
City of Cincinnati, Louisville Trust Co. v. (U. S.)	6-113
City of Columbus, Burrus v. (Ga.)	12-869
City of Connersville, Cleveland, C., C. & St. L. R. Co. v. (Ind.)	9-195
City of Defiance, Wabash R. Co. v. (U. S.)	7-638
City of Denver, Walker v. (U. S.)	6-206
City of Des Moines, Des Moines City R. Co. v. (Iowa)	1-215
City of Detroit, Detroit Citizens' St. R. Co. v. (C. C. A.)	1-71
Detroit Citizens' St. R. Co. v. (Mich.)	5-15
v. Detroit City R. Co. (C. C. A.)	1-71
v. Detroit, G. H. & M. R. Co. (Mich.)	8-117
v. Donovan (Mich.)	23-520
City of Duluth v. Duluth St. R. Co. (Minn.)	1-288
St. Paul & D. R. Co. v. (Minn.)	13-855
City of Elizabeth, State Consolidated Traction Co. v. (N. J.)	3-614
City of Fond du Lac, Schaefer v. (Wis.)	11-342
City of Fort Worth v. Allen (Tex.)	1-282
City of Galveston, Galveston & W. R. Co. v. (Tex.)	7-72
Galveston, etc., R. Co. v. (Tex.)	7-779
City of Indianapolis, Pittsburgh, C. C. & St. L. Ry. Co. v. (Ind.)	11-689
City of Johnson City v. Charleston C. & C. R. Co. (Tenn.)	12-866
City of Kankakee, Illinois Cent. R. Co. v. (Ill.)	6-417
City of Lansing v. Lansing, etc., R. Co. (Mich.)	5-719
City of Lincoln v. Lincoln St. R. Co. (U. S.)	6-788
City of Louisville, Dennis Long & Co. v. (Ky.)	3-213
City of Mankato, Baumgartner v. (Minn.)	1-274, 287
City of Milwaukee, Chicago, M. & St. P. R. Co. v. (Wis.)	9-537
Milwaukee Electric R. & Light Co. v. (Wis.)	6-411
City of Naperville, Chicago, B. & Q. R. Co. v. (Ill.)	8-702
City of New Haven, New Haven Steam Sawmill Co. v. (Conn.)	16-588
City of New Whatcom v. Bellingham Bay & B. C. R. Co. (Wash.)	6-419
City of Orange, Morris & E. R. Co. v. (N. J.)	16-631
City of Owensboro v. Owensboro & N. R. Co. (Ky.)	8-155
City of Philadelphia, Delaware County & P. Electric R. Co. v. (Pa.)	1-28
City of Philadelphia v. Hestonville, M. & F. R. Co. (Pa.)	5-659
v. Philadelphia, etc., R. Co. (Pa.)	5-720
v. Spring Garden Farmers' M. Co. (Pa.)	1-286, 289
City of Pontiac, Chicago & A. R. Co. v. (Ill.)	9-382
City of Raleigh v. North Carolina R. Co. (N. Car.)	23-953
City of St. Paul, Great Northern R. Co. v. (Minn.)	1-12
City of South Pasadena v. Los Angeles T. R. Co. (Cal.)	2-166
City of Terre Haute v. Evansville, etc., R. Co. (Ind.)	8-759, 760

City of Worcester, Boston & A. R. Co. <i>v.</i> (Mass.).....	23-679
City of York <i>v.</i> Chicago, B. & O. R. Co. (Neb.).....	14-200
City St. R. Co., Citizens' St. R. Co. <i>v.</i> (Ind.).....	1- 99
City & Suburban R. Co., Green <i>v.</i> (Md.).....	1-198
Hedin <i>v.</i> (Ore.).....	1-265, 276, 277
McGrath <i>v.</i> (Ga.).....	1-263
Smith <i>v.</i> (Ore.).....	5-163
Wallace <i>v.</i> (Ore.).....	1-258, 264, 275
Claiborne <i>v.</i> Chesapeake & O. Ry. Co. (W. Va.).....	14-217
Clancy, Metropolitan W. S. El. R. Co. <i>v.</i> (Ill.).....	3-164, 165
Clapp, People, Delaware, L. & W. R. Co. <i>v.</i> (N. Y.).....	8- 95
Clare <i>v.</i> New York & N. E. R. Co. (Mass.).....	6- 76
<i>v.</i> New York & N. E. R. Co. (Mass.).....	13-569
Clark, County Treasurer, Atchison, T. & S. F. Ry. Co. <i>v.</i> (Kan.).....	16-844
Clark <i>v.</i> Chicago & Alton R. Co. (Mo.).....	2-307
<i>v.</i> Howard (C. C. A.).....	13-743
<i>v.</i> Louisville & N. R. Co. (Ky.).....	8-355, 12-293
Pyle <i>v.</i> (Utah).....	5-156
Pyle <i>v.</i> (C. C. A.).....	8-431
Southern Kansas R. Co. <i>v.</i> (Kan.).....	2-460
Wright <i>v.</i> (Utah).....	5-156
<i>v.</i> Wright (C. C. A.).....	8-431
Clarke, Georgia Railroad & Banking Co. <i>v.</i> (Ga.).....	5-219
<i>v.</i> Russell (C. C. A.).....	17- 68
Clarkson, Felton <i>v.</i> (Tenn.).....	17-300
Clary, Georgia R. & B. Co. <i>v.</i> (Ga.).....	11-856
Clayton Electric Light Co. <i>v.</i> McKeesport, etc., R. Co. (Pa.).....	6-777
Clayton, Texas & P. Ry. Co. <i>v.</i> (C. C. A.).....	9-821
Texas & P. Ry. Co. <i>v.</i> (U. S.).....	13-236
Cleary <i>v.</i> Pittsburgh, A. & M. Traction Co. (Pa.).....	6-316
Clements <i>v.</i> Alabama Great Southern R. Co. (Ala.).....	19-266
Clement <i>v.</i> Wichita & S. W. R. Co. (Kan.).....	3- 10
Cleveland <i>v.</i> Bangor St. R. Co. (Me.).....	1-336
Cleveland, Cincinnati, Chicago & St. Louis Railway Co. <i>v.</i> Ballentine (C. C. A.).....	14-831
Butts <i>v.</i> (C. C. A.).....	23-100
<i>v.</i> City of Connersville (Ind.).....	9-195
<i>v.</i> Gray (Ind.).....	8- 48
<i>v.</i> Halvert (Ill.).....	15-180
Hoyt <i>v.</i> (Mich.).....	9-818
<i>v.</i> Huddleston (Ind.).....	7-553
<i>v.</i> Miller (Ind.).....	9-684
<i>v.</i> Moline Plow Co. (Ind.).....	2-608, 717
<i>v.</i> Moneyhun (Ind.).....	5-682
<i>v.</i> Munsell (Ill.).....	23-579
Narramore <i>v.</i> (C. C. A.).....	17-502
<i>v.</i> People, Jett (Ill.).....	14-846
<i>v.</i> People of the State of Illinois, Jett (U. S.).....	17-227
<i>v.</i> Scantland (Ind.).....	14- 75
Schweinfurth <i>v.</i> (Ohio).....	15- 73
Scott <i>v.</i> (Ind.).....	3-428, 429
State <i>v.</i> (Ind.).....	23-336
<i>v.</i> Stephens (Ill.).....	11-268
Stewart <i>v.</i> (Ind.).....	13- 28
Sutherland <i>v.</i> (Ind.).....	8-424
<i>v.</i> Tartt (C. C. A.).....	18-226
Ullrich <i>v.</i> (Ind.).....	13-783
Varwig <i>v.</i> (Ohio).....	4-265
Voss <i>v.</i> (Ind.).....	3-427
Cleveland, L. & W. Ry. Co. <i>v.</i> Ringley (Ohio).....	18- 99
Cleveland, T. & V. Ry. Co. <i>v.</i> Marsh (Ohio).....	20- 54
Cleveland, etc., R. Co. <i>v.</i> Kernochan (Ohio).....	7-774
Clifford, Southern Ry. in Kentucky <i>v.</i> (Ky.).....	21-229
Clinton <i>v.</i> Chicago, B. & O. R. Co. (Neb.).....	19-778

Clisby <i>v.</i> Mobile & O. R. Co. (Miss.).....	22-179
Clonch, Chicago, R. I. & P. R. Co. <i>v.</i> (Kan.).....	3-240
Cloud, Denver Tramway Co. <i>v.</i> (Colo.).....	2-162
Clune <i>v.</i> Ristine (C. C. A.).....	15-761
Clyde <i>v.</i> Richmond & D. R. Co. (C. C. A.).....	3-446
Clyde Steamship Company, Interstate Commerce Commission <i>v.</i> (U. S.).....	20-752
Clyde S. S. Co., Interstate Commerce Commission <i>v.</i> (C. C. A.)..	13-298
Coast Line R. Co., Green <i>v.</i> (Ga.)....	4-150
Coates <i>v.</i> Chicago, M. & St. P. R. Co. (S. Dak.).....	3-424
Cobb <i>v.</i> Boston Elevated Ry. (Mass.).....	21-426
<i>v.</i> St. Louis & H. Ry. Co. (Mo.).....	13-632
Cobleigh, Grand Trunk R. Co. <i>v.</i> (C. C. A.).....	7-762
Coburn <i>v.</i> Morgan's Louisiana & T. R. Co. (La.).....	21-402
<i>v.</i> Philadelphia, W. & B. R. Co. (Pa.).....	20-32
Coburn Trolley-Track Co., McNee <i>v.</i> (Mass.).....	10-765
Cocreham, Missouri, K. & T. R. Co. <i>v.</i> (Tex.).....	2-541, 542, 543
Cody, Texas & P. R. Co. <i>v.</i> (U. S.).....	7-479
Coffee <i>v.</i> Louisville & N. R. Co. (Miss.).....	14-423
Coggins, Alabama G. S. Ry. Co. <i>v.</i> (C. C. A.).....	12-109
Cohen <i>v.</i> West Chicago St. R. Co. (C. C. A.).....	1-261, 268, 271
Colburn, Missouri, etc., R. Co. <i>v.</i> (Tex.).....	6-787
Cole <i>v.</i> Atlanta & W. P. R. Co. (Ga.).....	12-14
<i>v.</i> Duluth, S. S. & A. Ry. Co. (Wis.).....	17-749
<i>v.</i> New York, N. H. & H. R. Co. (Mass.).....	18-383
Coleman, Central R. Co. of Baltimore <i>v.</i> (Md.).....	1-275
<i>Illinois Cent. R. Co. v.</i> (Ky.).....	19-285
<i>v.</i> Pittsburg, C., C. & St. L. Ry. Co. (Ky.).....	21-453
<i>v.</i> Wrightsville & T. R. Co. (Ga.).....	23-863
Coley <i>v.</i> North Carolina R. Co. (N. Car.).....	21-891
<i>v.</i> North Carolina R. Co. (N. Car.).....	23-885
Coll <i>v.</i> Easton Transit Co. (Pa.).....	11-722
Colonial City Traction Co. <i>v.</i> Kingston City R. Co. (N. Y.).....	9-506
<i>v.</i> Kingston City R. Co. (N. Y.).....	10-327
Colorado Cent. R. Co., Allen <i>v.</i> (Colo.).....	3-446
Colorado Fuel & Iron Co., Southern Pac. Co. <i>v.</i> (C. C. A.).....	18-559
Columbia, etc., R. Co., Aull <i>v.</i> (S. Car.).....	3-129
Columbus & R. R. Co. <i>v.</i> Christian (Ga.).....	5-584
Columbus, etc., R. Co., Bagley <i>v.</i> (Ga.).....	5-700
Columbus, S. & H. R. Co. Appeals (C. C. A.).....	22-209
Columbus Terminal & Transfer R. Co. <i>v.</i> Mercantile Trust Co. (C. C. A.).....	22-484
Comer <i>v.</i> Foley (Ga.).....	5-250
<i>v.</i> Hill (Ga.).....	11-3
<i>v.</i> Polk County (C. C. A.).....	8-288
<i>v.</i> Shaw (Ga.).....	5-697
<i>v.</i> Stewart (Ga.).....	4-263
Commercial Bank <i>v.</i> Chicago, etc., R. Co. (Ill.).....	4-263
Commercial Guano Co., Savannah, F. & W. Ry. Co. <i>v.</i> (Ga.)....	12-848
Commercial Ice Co. <i>v.</i> Philadelphia & R. Ry. Co. (Pa.).....	19-171
Commissioners of Hancock County, Lake Erie & W. R. Co. <i>v.</i> (Ohio).....	18-765
<i>Northern Ohio Ry. Co. v.</i> (Ohio).....	18-767
Commissioners of Railroads, Detroit, Ft. W. & B. I. Ry. <i>v.</i> (Mich.)..	22-732
<i>Detroit, G. R. & W. R. Co. v.</i> (Mich.).....	14-174
Commissioners of Streets of Borough of Haddonfield, Moore <i>v.</i> (N. J.).....	10-323
Commissioners of Wicomico County <i>v.</i> Baltimore, C. & A. Ry. Co. (Md.).....	21-284
Committee of Tp. of Bloomfield, State <i>v.</i> (N. J.).....	5-697
Commonwealth, Chesapeake & O. R. Co. <i>v.</i> (Ky.).....	14-508
<i>Chesapeake, etc., R. Co. v.</i> (Ky.).....	4-260
Hensel, Atty. Gen., <i>v.</i> Union Pass. R. Co. (Pa.).....	1-99
Hodgensville & E. R. Co. <i>v.</i> (Ky.).....	3-656
<i>Illinois Cent. R. Co. v.</i> (Ky.).....	22-356, 23-326

Commonwealth v. Keary (Pa.).....	20-471
Louisville & N. R. Co. v. (Ky.).....	1- 68
Louisville & N. R. Co. v. (Ky.).....	4-193
Louisville & N. R. Co. v. (Ky.).....	5-644
Louisville & N. R. Co. v. (Ky.).....	13-125
Louisville & N. R. Co. v. (Ky.).....	15-841
Louisville & N. R. Co. v. (Ky.).....	18-297
v. Louisville & N. R. Co. (Ky.).....	6- 61
v. Louisville & N. R. Co. (Ky.).....	18-663
v. Louisville & N. R. Co. (Ky.).....	23-936
v. Mobile & O. R. Co. (Ky.).....	23-185
v. New York, P. & O. R. Co. (Pa.).....	14-145
Southern Ry. Co. v. (Va.).....	20-360
Concord & M. R. Co., Connor v. (N. H.).....	2-281
Valley v. (N. H.).....	9-128
Concord & M. R. R. v. Boston & M. R. R. (N. H.).....	14-458
Burnham v. (N. H.).....	16-320
Cutler v. (N. H.).....	18-760
Davis v. (N. H.).....	19- 68
Story v. (N. H.).....	20- 90
Concord R. R., Welch v. (N. H.).....	16-830
Condran v. Chicago, M. & St. P. R. Co. (C. C. A.).....	2- 16
Cone v. Central R. Co. of New Jersey (N. J.).....	12-278
Conery, City Electric St. R. Co. v. (Ark.).....	3-365
Coney Island & Brooklyn R. Co. v. Prospect Park & Coney Island R. Co. (N. Y.).....	1-222
Conkling v. Erie R. Co. (N. J.).....	15- 61
Conlon, Atchison, T. & S. F. Ry. Co. v. (Kan.).....	15-195, 22- 76
Conn v. Louisville & N. R. Co. (Ky.).....	15-838
Connell v. Chesapeake & O. Ry. Co. (Va.).....	5-333
v. Chesapeake & O. Ry. Co. (Ky.).....	19-236
Railroad Co. v. (Pa.).....	5-716
Connolly v. Manhattan R. Co. (N. Y.).....	2-385
v. Trenton Pass. R. Co. Cons. (N. J.).....	1-261, 277
Conner v. Citizens' Street R. Co. (Ind.).....	7-287
Connors v. Chicago & N. W. Ry. Co. (Iowa).....	18- 75
Connor v. Concord & M. R. (N. H.).....	2-281
v. Electric Traction Co. (Pa.).....	4-263
Maysville & B. F. R. Co. v. (Ky.).....	1- 63
Conoyer, Baltimore & O. S. W. R. Co. v. (Ind.).....	9-348
Conroy v. Chicago, St. P., M. & O. R. Co. (Wis.).....	8-714
Conroy, Robert T., Adm'r, New England Railroad Company v. (U. S.).....	16-380
Consolidated Cattle Co., Atchison, T. & S. F. R. Co. v. (Kan.)..	10-368
Consolidated City & C. P. R. Co. v. Carlson (Kan.).....	7-274
Consolidated & C. P. R. Co. v. Wyatt (Kan.).....	9-756
Consolidated Traction Co. v. Behr (N. J.).....	8-770
v. Chenowith (N. J.).....	5-599
Dodd v. (N. J.).....	1-325, 340
v. Haight (N. J.).....	8- 90
Hoimark v. (N. J.).....	9-380
v. Hone (N. J.).....	5-679, 9-249
v. Isley (N. J.).....	5-457
Jackson v. (N. J.).....	5-697
v. Knoth (N. J.).....	10-844
v. Lambertson (N. J.).....	67-93
Lambertson v. (N. J.).....	9, 355, 10-753
McCann v. (N. J.).....	7-280
v. Scott (N. J.).....	4-371
Sowash v. (Pa.).....	12-124
v. Taborn (N. J.).....	2-124
v. Thalheimer (N. J.).....	9-858
Whalen v. (N. J. App.).....	11-207
Content v. New York, N. H. & H. R. Co. (Mass.).....	3-369

Continental Trust Co. of New York, Contracting & Building Co. of Ky. <i>v.</i> (C. C. A.).....	21-487
<i>v.</i> Toledo, St. L. & K. C. R. Co. (Ohio).....	18-397
Continental Trust Co., R. I. Locomotive Works <i>v.</i> (C. C. A.)....	21-481
<i>v.</i> Toledo St. L. & R. C. R. Co. (Ohio).....	12-854
Contracting & Building Co. of Kentucky <i>v.</i> Continental Trust Co. of New York (C. C. A.).....	21-487
Conway <i>v.</i> Chicago, etc., Co. (Iowa).....	8-755
Lake Shore & M. S. Ry. Co. <i>v.</i> (Ill.).....	11- 7
<i>v.</i> Lewiston & Auburn Horse R. Co. (Me.).....	2-339
<i>v.</i> Lewiston, etc., R. Co. (Me.).....	3-769, 770
<i>v.</i> New Orleans & C. R. Co. (La.).....	2-222, 387, 444
Cook <i>v.</i> Los Angeles & P. Electric Ry. Co. (Cal.).....	23- 69
Missouri, K. & T. R. Co. <i>v.</i> (U. S.).....	4-552
<i>v.</i> New York El. R. Co. (N. Y.).....	1-373, 376, 378
<i>v.</i> Southern Ry. Co. (N. Car.).....	21-591
Cooke <i>v.</i> Baltimore Traction Co. (Md.).....	1-255, 256, 263
Cookson <i>v.</i> Pittsburgh & W. R. Co. (Pa.).....	6-339
Cooley, Louisville & N. R. Co. <i>v.</i> (Ky.).....	12-553
Cooney, Baltimore City Pass Ry. Co. <i>v.</i> (Md.).....	11-759
<i>v.</i> Pullman Palace-Car Co. (Ala.).....	18-588
Cooper, Central Railroad & Banking Co. <i>v.</i> (Ga.).....	2-687
<i>v.</i> Georgia, C. & N. Ry. Co. (S. Car.).....	16-12, 22-667
Louisville & N. R. Co. <i>v.</i> (Ky.).....	17-304
<i>v.</i> Raleigh & G. R. Co. (Ga.).....	18-412
Southern Ry. in Kentucky <i>v.</i> (Ky.).....	21-231
Coos Bay, R. & E. R. Co. & Nav. Co., Nosler <i>v.</i> (Ore.).....	22-716
<i>v.</i> Siglin (Ore.).....	11-714
Coppuck <i>v.</i> Philadelphia, W. & B. R. Co. (Pa.).....	15- 68
Corbett, Seattle & M. R. Co. <i>v.</i> (Wash.).....	17-709
Corbin <i>v.</i> Winona & St. P. R. Co. (Minn.).....	3-443
Corinne Mill & Canal Stock Co. <i>v.</i> Johnson (U. S.).....	1-593
Cornell <i>v.</i> Manistee & N. E. R. Co. (Mich.).....	11-263
Corning <i>v.</i> Troy Iron & Nail Factory (N. Y.).....	3-432
Corso <i>v.</i> New Orleans & N. E. R. Co. (La. Ann.).....	5- 43
Costello <i>v.</i> Grand Trunk Ry. Co. (N. H.).....	19-386
Coulter <i>v.</i> Great Northern R. Co. (N. Dak.).....	4-336
Couly <i>v.</i> Sherman, etc., R. Co. (Tex.).....	6-772
County Com'rs, Citizens' Electric, etc., Co. <i>v.</i> (Ohio).....	8-769
County Com'rs of Middlesex, Inhabitants of Wayland <i>v.</i> (Mass.)..	5-705
County Court of Wood County, Neale <i>v.</i> (W. Va.).....	7-252
Coursey <i>v.</i> Southern Ry. Co. (Ga.).....	21-412
Courteen <i>v.</i> Kanawha Dispatch (Wis.).....	21-425
Courts <i>v.</i> Louisville & N. R. Co. (Ky.).....	5-223
Owensboro & N. Ry. Co. <i>v.</i> (Ky.).....	19-125
Covenia, Southern R. Co. <i>v.</i> (Ga.).....	10-551
Cowan, Neininger <i>v.</i> (C. C. A.).....	18-492
Southern Ry. Co. <i>v.</i> (Ala.).....	22-150
Cowden <i>v.</i> Shreveport Belt Ry. Co. (La.).....	23-355
Cowen, Kallmerten <i>v.</i> (C. C. A.).....	23-352
<i>v.</i> Ray (C. C. A.).....	21-531
Winters <i>v.</i> (Ohio).....	12- 40
<i>v.</i> Winters (C. C. A.).....	16-107
Cowles, Chicago, R. I. & P. Ry. Co. <i>v.</i> (Neb.).....	11- 33
Cox, Chicago, B. & Q. R. Co. <i>v.</i> (Neb.).....	7-379
<i>v.</i> Chicago & N. W. R. Co. (Iowa).....	9-604
Lincoln St. R. Co. <i>v.</i> (Neb.).....	4-273
<i>v.</i> Los Angeles Ter. R. Co. (Cal.).....	2-158, 159, 162
<i>v.</i> Norfolk & C. R. Co. (N. Car.).....	12-390
Pittsburg, C. C. & St. L. R. Co. <i>v.</i> (Ohio).....	7-152
St. Louis, I. M. & S. R. Co. <i>v.</i> (Ark.).....	2-280
Terre Haute & I. R. Co. <i>v.</i> (C. C. A.).....	19-327
<i>v.</i> Vermont Cent. R. Co. (Mass.).....	9-591
Coyle <i>v.</i> Pittsburgh, C., C. & St. L. Ry. Co. (Ind.).....	22-874
<i>v.</i> Southern Ry. Co. (Ga.).....	20-529

Cozine, Lexington Ry. Co. v. (Ky.).....	23-624
Crabtree, St. Louis & S. F. R. Co. v. (Ark.).....	20-923
Crandall v. Des Moines, N. & W. R. Co. (Iowa).....	9-420
v. Great Northern Ry. Co. (Minn.).....	21-388
v. New York, N. H. & H. R. Co. (R. I.).....	5-543
Crane v. Chicago, M. & St. P. Ry. Co. (Minn.).....	22-869
v. Chicago, etc., K. Co. (Wis.).....	5-706
Crawford v. Chicago G. W. Ry. Co. (Iowa).....	16-628
v. Detroit, G. R. & W. R. Co. (Mich.).....	22- 42
v. Hubbell (C. C.).....	13- 92
v. Southern Ry. Co. (Ga.).....	16-829
v. Southern Ry. Co. (S. Car.).....	19- 17
Craycroft, People v. (Cal.).....	3-655
Creighton, Louisville & N. R. Co. v. (Ky.).....	15-713
Crescent City R. Co., Canal & C. R. Co. v. (La.).....	1-229
Cronan v. (La.).....	6-225
Culbertson v. (La.).....	6-522
Hoelzel v. (La.).....	8- 40
Nelson v. (La.).....	7-192
v. New Orleans & C. R. Co. (La.).....	4-402
Sciortino v. (La.).....	6-526
Creswell v. Wilmington & N. R. Co. (Del.).....	14-625
Crisswell v. Montana Cent. R. Co. (Mont.).....	3-652
Crockert, Illinois Cent. R. Co. v. (Miss.).....	21-246
Croft v. Chicago G. W. Ry. Co. (Minn.).....	11-652
Croll v. Atchison, T. & S. F. R. Co. (Kan.).....	5-608
Cromer v. Georgia Railroad & Banking Co. (Ga.).....	12-318
Norfolk & W. Ry. Co. v. (Va.).....	23-720
Cromwell, New York, P. & N. R. Co. v. (Va.).....	17-328
Cronan v. Crescent City R. Co. (La.).....	6-225
Cross, Atchison, etc., R. Co. v. (Kan.).....	8-757, 758
v. California St. Cable R. Co. (Cal.).....	1-262, 276
Crossman, Gulf, C. & S. F. R. Co. v. (Tex.).....	3-425
Crosstown St. R. Co. of Buffalo, Bittner v. (N. Y.).....	9-152
Crouse v. Chicago & N. W. Ry. Co. (Wis.).....	14-780
Crow, Virginia & S. W. Ry. Co. v. (Tenn.).....	23-506
Crowell Lumber & Grain Co., Missouri Pac. R. Co. v. (Neb.).....	7-223
Crowley v. Cincinnati, N. O. & T. P. Ry. Co. (Tenn.).....	23-545
Crumbaugh, Denver Tramway Co. v. (Colo.).....	10-875
Culbertson v. Crescent City R. Co. (La.).....	6-522
Cullen, Chicago & A. R. Co. v. (Ill.).....	19-523
v. New York, N. H. & H. R. Co. (Conn.).....	3-453
Cully v. Louisville & N. R. Co. (Ky.).....	9-872
Cumberland County, Grand Trunk R. Co. v. (Me.).....	3-434
Cumberland & P. R. Co., Frostburg Mining Co. v. (Md.).....	2-568
v. State (Md.).....	20-754
State, to Use of Price v. (Md.).....	10-511
Cumberland Telephone & Telegraph Co. v. Morgan's L. & T. R. Co. (La.).....	13 -71
v. Texas & P. Ry. Co. (La.).....	18-399
v. United Electric R. Co. (Tenn.).....	1-295
Cummings v. Chicago, R. I. & P. Ry. Co. (Iowa).....	21-470
v. Worcester L. & S. St. R. Co. (Mass.).....	5-389
Cummins, Louisville & N. R. Co. v. (Ky.).....	21-774
Cunningham, Atchison, T. & S. F. Ry. Co. v. (Kan.).....	12-132
Lake Superior Ship Canal R. & Iron Co. v. (U. S.).....	1-564
v. Los Angeles R. Co. (Cal.).....	7-783
Curry v. Kansas, etc., R. Co. (Kan.).....	8-755, 763
Curtis, Chicago, etc., R. Co. v. (Neb.).....	8-753, 762, 765
v. De Coursey (Pa.).....	5-416
Cushman, Ft. Worth & D. C. Ry. Co. v. (Tex.).....	14-259
Cutler v. Concord & M. R. R. (N. H.).....	18-760
Czech v. Great Northern R. Co. (Minn.).....	7-374
Czezewzka v. Benton-Bellefontaine R. Co. (Mo.).....	1-256, 258, 265, 267
Dages, Toledo & O. C. R. Co. v. (Ohio).....	8-533

Dairy v. Iowa Cent. Ry. Co. (Iowa).....	21-743
Dakes v. Myers (U. S. C. C.).....	1-595
Dale v. Atchison, T. & S. F. R. Co. (Kan.).....	7-108
Dallas & O. C. R. Co. v. Reeman (Tex. Civ. App.).....	2-281
Dalton v. Chicago, R. I. & P. Ry. Co. (Iowa).....	21-460
Daly v. Detroit Citizens' St. R. Co. (Mich.).....	1-260, 263
v. Kiel (La.).....	22-320
Dampman v. Pennsylvania R. Co. (Pa.).....	2-219, 383
Dan v. Citizens' St. R. Co. (Tenn.).....	10-880
Daubert v. Delaware, L. & W. R. Co. (Pa.).....	21-456
Danbury & B. H. R. Co., Shalley v. (Conn.).....	1-289, 290
Dandridge, Mechanics' Trust Co. v. (Ky.).....	8-348
Dangerfield v. Atchison, T. & S. F. Ry. Co. (Kan.).....	17-650
Daniels v. Florida Cent. & P. R. Co. (S. Car.).....	23-107
Little Rock & Ft. S. Ry. Co. v. (Ark.).....	19-609
Railroad Co. v. (Ga.).....	5-714
v. Western & A. R. Co. (Ga.).....	2-211, 280
Danville H. & W. R. Co. v. Kase (Pa.).....	10-869
Danville St. C. Co., Trowbridge Adm. v. (Va.).....	1-256, 263
Darby, Alabama Midland Ry. Co. v. (Ala.).....	13-105
Darwood v. Union Traction Co. (Pa.).....	12-474
Dave v. Morgan's Louisiana & Texas R. & S. Co. (La.).....	2-127
Davidson, Illinois Central R. Co. v. (C. C. A.).....	2-265
Illinois Cent. R. Co. v. (C. C. A.).....	7-715
Davis v. Boston & M. R. (N. H.).....	21-821
Chesapeake & O. Ry. Co. v. (Ky.).....	19-710
Chicago & Alton R. Co. v. (Ill.).....	2-581
v. Chicago, M. & St. P. R. Co. (Wis.).....	4-622
v. Chicago, etc., R. Co. (Wis.).....	5-708, 710, 711
v. Concord & M. R. (N. H.).....	19-68
v. Florida Cent. & P. R. Co. (S. Car.).....	5-324
Galveston, H. & S. A. Ry. Co. v. (Tex.).....	12-832
v. Houston & S. Ry. Co. (La.).....	22-751
Houston & Texas Cent. R. Co. v. (Tex.).....	2-487
Illinois Cent. R. Co. v. (Tenn.).....	18-708
v. Northwestern El. R. Co. (Ill.).....	9-452
v. San Antonio & G. S. Ry. Co. (Tex.).....	15-449
State v. (Mo.).....	7-601
v. Texas & P. R. Co. (Tex.).....	3-426, 10-301
Dawley v. Wagner Pal., etc., Co. (Mass.).....	8-766
Dawson, St. Louis, I. M. & S. Ry. Co. v. (Ark.).....	18-30
Southern Ry. Co. v. (Va.).....	18-592
Day v. New York, S. & W. R. Co. (N. J.).....	4-313
Deakins, Southern Ry. Co. v. (Tenn.).....	23-122
Dean v. Charleston & W. C. Ry. Co. (S. Car.).....	15-555
Deaver, Chicago, St. Paul, Minn. & O. R. Co. v. (Neb.).....	2-545
Decker v. Atchison, T. & S. F. R. Co. (Okla.).....	2-118
De Coursey, Curtis v. (Pa.).....	5-416
Dederichs v. Salt Lake City R. Co. (Utah).....	4-259
Deery v. Camden & A. R. Co. (Pa.).....	2-225
De Forge v. New York, N. H. & H. R. R. (Mass.).....	20-492
DeHam, San Antonio & A. P. Ry. Co. v. (Tex.).....	16-843
Deitzen, South Carolina & G. R. Co. v. (Ga.).....	10-232
DeLacy, Northern Pac. R. Co. v. (Wash.).....	1-596, 657
Delaney, Chicago & N. W. R. Co. v. (Ill.).....	13-859
Delaware County & P. Electric R. Co. v. City of Philadelphia (Pa.).....	1-28
Delaware & H. Canal Co., Roberts v. (Pa.).....	5-664
Scranton & P. Traction Co. v. (Pa.).....	7-537
v. Scranton & P. Traction Co. (Pa.).....	7-537
Delaware, I. & W. R. Co. v. Reich (N. J.).....	11-313
Delaware, L. & W. R. Co. v. Ashley (C. C. A.).....	2-212, 300, 383, 386
v. Bullock (N. J.).....	7-370
Bullock v. (N. J. App.).....	11-837
Bush v. (N. Y.).....	21-516

Delaware, L. & W. R. Co., <i>Daubert v. (Pa.)</i>	21-456
<i>Elston v. (Pa.)</i>	21-354
<i>v. Hardy (N. J.)</i>	4-577
Mt. Pleasant Coal Co. <i>v. (Pa.)</i>	23-568
<i>v. Voss (N. J.)</i>	12-820
<i>Williams v. (N. Y.)</i>	10-147
Delaware, etc., R. Co., <i>Seamans v. (Pa.)</i>	4-260
Delsol <i>v. Spokane & Palouse Railway Co. (Idaho)</i>	1-683
Delta & Pine Land Co., <i>Ford v. (U. S.)</i>	6-395
Deming <i>v. Terminal Ry. of Buffalo (N. Y.)</i>	23-815
Denmark <i>v. Railroad Co. (N. Car.)</i>	5-710
Dennis, Long & Co. <i>v. City of Louisville (Ky.)</i>	3-213
<i>v. Pittsburg & C. S. R. Co. (Pa.)</i>	2-108, 110, 220, 389
De Nobra, Albion Lumber Co. <i>v. (C. C. A.)</i>	3-564
Densmore, Chicago City R. Co. <i>v. (Ill.)</i>	6-794
Denver & B. P. R. T. Co. <i>v. Dwyer (Colo.)</i>	2-18, 185, 300, 301, 383
Denver & R. G. R. Co. <i>v. Bedell (Colo. App.)</i>	12-141
<i>v. Central Trust Co. of New York (C. C. A.)</i>	19-513
<i>Olin v. (Colo.)</i>	10-708
<i>v. Pilgrim (Colo.)</i>	8-249
<i>v. Roller (C. C. A.)</i>	18-595
<i>v. Sipes (Colo.)</i>	6-605
<i>v. Spencer (Colo.)</i>	10-536, 18-236
<i>v. Thompson (Colo.)</i>	14-47
Denver, etc., R. Co. <i>v. Lorentzen (C. C. A.)</i>	8-755, 763
<i>v. Smock (Colo.)</i>	7-773, 775, 776, 778
Denver Tramway Co. <i>v. Cloud (Colo.)</i>	2-162
<i>v. Crumbaugh (Colo.)</i>	10-875
<i>v. Londoner, Mayor, (Colo.)</i>	1-124
<i>v. Nesbit (Colo.)</i>	4-605
Depp, Louisville & N. R. Co. <i>v. (Ky.)</i>	3-440
De Shong, St. Louis, etc., R. Co. <i>v. (Ark.)</i>	6-773
Des Moines City R. Co. <i>v. City of Des Moines (Iowa)</i>	1-215
Des Moines, N. & W. R. Co., <i>Crandall v. (Iowa)</i>	9-420
Des Moines St. R. Co., <i>McDivitt v. (Iowa)</i>	6-106
Detroit, B. C. & A. R. Co., <i>Keating v. (Mich.)</i>	2-222, 382, 386
Detroit Citizens' St. R. Co. <i>v. City of Detroit (C. C. A.)</i>	1-71
<i>v. City of Detroit (Mich.)</i>	5-15
<i>Daly v. (Mich.)</i>	1-260, 263
<i>Doherty v. (Mich.)</i>	16-686
<i>Graff v. (Mich.)</i>	5-447
<i>Henderson v. (Mich.)</i>	10-812
<i>People v. (Mich.)</i>	11-798
Detroit City R. Co., <i>City of Detroit v. (C. C. A.)</i>	1-71
<i>Fritz v. (Mich.)</i>	1-265
Detroit Electric Railway Co., <i>Nieboer v. (Mich.)</i>	23-93
<i>Rouse v. (Mich.)</i>	22-650
<i>Wheeler v. (Mich.)</i>	23-595
Detroit, Ft. W. & B. I. Ry. <i>v. Commissioner of Railroads (Mich.)</i>	22-732
Detroit, G. H. & M. Ry. Co., <i>City of Detroit v. (Mich.)</i>	8-117
<i>Mott v. (Mich.)</i>	15-113
<i>Pahlan v. (Mich.)</i>	16-309
<i>Phillips v. (Mich.)</i>	6-319
<i>Piskorowski v. (Mich.)</i>	19-120
<i>Potter v. (Mich.)</i>	16-264
<i>Sax v. (Mich.)</i>	20-653
Detroit, G. R. & W. R. Co. <i>v. Commissioner of Railroads (Mich.)</i> ..	14-174
<i>Crawford v. (Mich.)</i>	22-42
<i>Mewethy v. (Mich.)</i>	22-691
<i>Vandercook v. (Mich.)</i>	20-353
Detroit R. Co., <i>Kennedy v. (Mich.)</i>	3-430
Detroit, etc., R. Co. <i>v. Interstate Commerce Commission (C. C. A.)</i>	5-700, 701, 702
Detroit St. R. Co., <i>Bowdle v. (Mich.)</i>	2-223

Detroit Suburban St. R. Co., <i>Niemann v.</i> (Mich.).....	1-172
Detroit, T. & M. Ry. Co., <i>Hathaway v.</i> (Mich.).....	19-714
Deusten, <i>Lehmann v.</i> (Wis.).....	10-857
Devoe <i>v.</i> New York, O. & W. Ry. Co. (N. J.).....	15-124
Dewey <i>v.</i> Chicago, M. & St. P. Ry. Co. (Wis.).....	11-275
De Whirst <i>v.</i> Boston, etc., R. Co. (Mass.).....	6-785
Diamond Coal Co., <i>Baltimore & O. R. Co. v.</i> (Ohio).....	16-232
Dick <i>v.</i> Louisville & N. R. Co. (Ky.).....	23- 71
Dickey <i>v.</i> Boston & M. R. R. (N. H.).....	19-258
<i>v.</i> Kansas City & Independence Rapid Transit Co. (Mo.)..	1-710
Dickson <i>v.</i> Epling (Ill.).....	9-403
Dillon <i>v.</i> Oregon, etc., R. Co. (Ore.).....	5-713
Dingman, St. Louis, etc., R. Co. <i>v.</i> (Ark.).....	4-261
Dinsmore <i>v.</i> Southern Exp. Co. (C. C.).....	13-314
<i>v.</i> Southern Exp. Co. (C. C. A.).....	19-468
<i>Trammell v.</i> (C. C. A.).....	19-468
Distler <i>v.</i> Long Island R. Co. (N. Y.).....	6-235
Dixey <i>v.</i> Philadelphia Traction Co. (Pa.).....	8-294
Dixie Cigar Co. <i>v.</i> Southern Express Co. (N. Car.).....	10-863
Dixon <i>v.</i> Central of Georgia Ry. Co. (Ga.).....	17-380
<i>v.</i> New England R. R. (Mass.).....	22- 10
<i>v.</i> Railway Co. (Eng.).....	5-700
Dixon, Lucy, Adm'r of Alexander Dixon, Deceased, R. H. Chalkey, and Wm. Sidles, C. & O. Ry. Co., Plff. in Err., <i>v.</i> (U. S.).....	21- 79
Dixon's Adm'r. Chesapeake & O. Ry. Co. <i>v.</i> (Ky.).....	14-827
Doane <i>v.</i> Chicago City R. Co. (Ill.).....	6-792
<i>v.</i> Lake St. El. R. Co. (Ill.).....	7-781, 782
Dobbins <i>v.</i> Missouri, K. & T. R. Co. of Texas (Tex.).....	8-179
Dobson <i>v.</i> New Orleans & W. R. Co. (La.).....	17-404
Dodd <i>v.</i> Consolidated Traction Co. (N. J.).....	1-325, 340
Doherty <i>v.</i> Detroit Citizens' St. Ry. Co. (Mich.).....	16-686
Dohn, Indianapolis Union Ry. Co. <i>v.</i> (Ind.).....	14-543
Doing <i>v.</i> New York, O. & W. R. Co. (N. Y.).....	9- 69
Dolson <i>v.</i> Lake Shore & M. S. Ry. Co. (Mich.).....	23-387
Donahue <i>v.</i> Boston & M. R. R. (Mass.).....	20-526
Doney, Omaha, Hutchinson & Gulf R. Co. <i>v.</i> (Kan.).....	3-144
Donovan, City of Detroit <i>v.</i> (Mich.).....	23-520
<i>v.</i> Chicago & N. W. R. Co. (Wis.).....	5-318
<i>Mobile & O. R. Co. v.</i> (Tenn.).....	18-669
Dorsey, Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	14-212
<i>v.</i> Central of Georgia Ry. Co. (Ga.).....	21-566
<i>v.</i> Kansas City, P. & G. Ry. Co. (La.).....	20- 67
<i>St. Louis, P. & N. Ry. Co. v.</i> (Ill.).....	21-280
Dotterer, Thompson <i>v.</i> (La.).....	21- 14
Dotty <i>v.</i> Atlantic City R. Co. (N. J.).....	18-157
Dougherty <i>v.</i> Kansas City & I. R. T. Co. (Mo.)....	2-281
Douglas County, Duluth, S. S. & A. Ry. Co. <i>v.</i> (Wis.).....	14-178
Douglas, Fidelity Loan & Trust Co. <i>v.</i> (Iowa).....	9-713
Douglass <i>v.</i> Kanawha & M. R. Co. (W. Va.).....	10-883
Dover, etc., R. Co., Robinson <i>v.</i> (Ga.).....	8-753
Downey <i>v.</i> Pittsburg, A. & M. Traction Co. (Pa.).....	1-263, 276
Downing <i>v.</i> Morgan L. & T. Ry. & S. S. Co. (La.).....	20-412
<i>v.</i> Outerbridge (C. C. A.).....	10-861
Downs, Chattanooga, R. & S. Ry. Co. <i>v.</i> (C. C. A.).....	21-493
<i>Rouse v.</i> (Kan.).....	7-773, 776
Doyle <i>v.</i> Fitchburg R. Co. (Mass.).....	5-257
<i>v.</i> Metropolitan El. R. Co. (N. Y.).....	1-372
<i>v.</i> Toledo, S. & M. Ry. Co. (Mich.).....	22-294
<i>Union Pac. R. Co. v.</i> (Neb.).....	7-773, 774
<i>v.</i> West End St. R. Co. (Mass.)	1-273, 276
Drake <i>v.</i> Yazoo & M. V. R. Co. (Miss.).....	21-141
Draper, Bigelow <i>v.</i> (N. Dak.).....	7-771
Driscoll, Chicago & E. I. R. Co. <i>v.</i> (Ill.).....	12-644
Drisdale, McGhee <i>v.</i> (Ala.).....	6-774

Driver <i>v.</i> Atchison, T. & S. F. R. Co. (Kan.)	10-98
Dry Fork R. Co., Ketterman <i>v.</i> (W. Va.)	19-445
Dublin <i>v.</i> Taylor, B. & H. Ry. Co. (Tex.)	13-461
Duffy, Elgin, J. & E. Ry. Co. <i>v.</i> (Ill.)	23-361
Duluth & I. R. R. Co., Aske <i>v.</i> Minn.)	21-819
St. Louis County <i>v.</i> (Minn.)	19-273
Duluth, M. & N. R. Co., Wherry <i>v.</i> (Minn.)	4-72
Duluth, S. S. & A. R. Co., Cole <i>v.</i> (Wis.)	17-749
<i>v.</i> Douglas County (Wis.)	14-178
Morris <i>v.</i> (C. C. A.)	22-45
Duluth St. R. Co., City of Duluth <i>v.</i> (Minn.)	1-288
Lundquist <i>v.</i> (Minn.)	4-506
McKillop <i>v.</i> (Minn.)	1-171, 278
Wilson <i>v.</i> (Minn.)	4-53
Duluth, etc., R. Co., Board of Com'rs, etc., <i>v.</i> (Minn.)	6-779
Dumas, Central of Georgia Ry. Co. <i>v.</i> (Ala.)	23-956
Dunn <i>v.</i> New York, N. H. & H. R. Co. (C. C. A.)	21-236
Dunning <i>v.</i> Maine Cent. R. Co. (Me.)	9-574
Dunseath <i>v.</i> Pittsburg, A. & M. Traction Co. (Pa.)	1-278
Durand's Adm'x <i>v.</i> New York & L. B. R. Co. (N. J.)	21-208
Durham, Atlanta, K. & N. Ry. Co. <i>v.</i> (Ga.)	16-606
<i>v.</i> Louisville & N. R. Co. (Ky.)	2-260
Durham & N. R. Co., Lea <i>v.</i> (N. Car.)	23-765
Stanley <i>v.</i> (N. Car.)	9-208
Duvall, Omaha St. R. Co. <i>v.</i> (Neb.)	1-253, 269, 270
Duverniet <i>v.</i> Morgan's L. & T. R. R. & S. S. Co. (La.)	6-483
Dwyer, Denver & B. P. R. T. Co. <i>v.</i> (Colo.)	2-18, 185, 300, 301, 383
Dyche <i>v.</i> Vicksburg, S. & P. R. Co. (Miss.)	23-526
Dyer <i>v.</i> Fitchburg R. Co. (Mass.)	11-473
Ean <i>v.</i> Chicago, M. & St. P. R. Co. (Wis.)	9-475
Early, Southern Ry. Co. <i>v.</i> (Ga.)	12-859
East Omaha St. R. Co. <i>v.</i> Godola (Neb.)	7-300
East St. Louis Connecting Ry. Co. <i>v.</i> Eggman (Ill.)	9-438
<i>v.</i> Jarvis (C. C. A.)	15-459
East St. Louis, etc., R. Co. <i>v.</i> Belleville City R. Co. (Ill.)	3-94, 97
East Tennessee, Virginia & Georgia Railway Company <i>v.</i> Green (Ga.)	2-299
<i>v.</i> Interstate Commerce Commission (U. S.)	20-729
East Tennessee, V. & G. R. Co. (James, Intervener), Central Trust Co. <i>v.</i> (Tenn.)	2-677, 718
East Tennessee, V. & G. R. Co. (Meredith, Intervener), Central Trust Co. <i>v.</i> (C. C. A.)	2-159
East Tennessee, V. & G. R. Co. <i>v.</i> Miller (Ga.)	2-216
East Tennessee & W. N. C. R. Co. <i>v.</i> Cargille (Tenn.)	19-282
Witt <i>v.</i> (Tenn.)	8-380
Eastern & A. R. Co., Burnett <i>v.</i> (N. J.)	10-469
Eastern Ry. Co. of Minnesota, Hinton <i>v.</i> (Minn.)	11-125
McGrath <i>v.</i> (Minn.)	13-768
Wallin <i>v.</i> (Minn.)	21-611
Weisel <i>v.</i> (Minn.)	17-446
Eastman <i>v.</i> Boston, etc., R. Co. (Mass.)	3-435
<i>v.</i> Maine Cent. R. R. (N. H.)	17-203
Easton Transit Company, Callery <i>v.</i> (Pa.)	11-323
Easton Transit Co., Coll <i>v.</i> (Pa.)	11-722
Eaton <i>v.</i> McIntire (Me.)	4-205
<i>v.</i> McNeill (Ore.)	8-680
<i>v.</i> New York Cent. & H. R. R. Co. (N. Y.)	18-391
Ebaugh, Pennsylvania Co. <i>v.</i> (Ind.)	4-200, 14-701
Ebsery <i>v.</i> Chicago City R. Co. (Ill.)	6-794
Eckles <i>v.</i> Norfolk, etc., R. Co. (Va.)	5-707
Eckman <i>v.</i> Chicago, B. & Q. R. Co. (Ill.)	9-308
Eddy, McCann <i>v.</i> (Ky.)	2-633
Edgar, Rider <i>v.</i> (Cal.)	2-472
Edgerly <i>v.</i> Union St. R. Co. (N. H.)	6-795
Edloff, Gulf, C. & S. F. R. Co. <i>v.</i> (Tex.)	3-453

Edmonds, Louisville & N. R. Co. <i>v.</i> (Ky.).....	23-481
Edmonson, Gainesville, J. & S. R. Co. <i>v.</i> (Ga.).....	10-154
Edmunson <i>v.</i> Pullman Palace-Car Co. (C. C. A.).....	14-336
Edson <i>v.</i> Southern Pac. Co. (Cal.).....	22-187
Edwards <i>v.</i> Atlantic Coast Line R. Co. (N. Car.).....	23-38
Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	19-779
<i>v.</i> Foote (Mich.).....	23-812
Fordyce <i>v.</i> (Ark.).....	11-521
Missouri, K. & T. R. Co. <i>v.</i> (Tex.).....	5-343
St. Louis, I. M. & S. R. Co. <i>v.</i> (C. C. A.).....	8-402
Eells <i>v.</i> Chesapeake & O. Ry. Co. (W. Va.).....	21-668
Eel River R. Co. <i>v.</i> State, Kistler, Prosecuting Attorney, (Ind.)..	17-595
Egan <i>v.</i> Montana Cent. Ry. Co. (Mont.).....	20-72
Egeland, Northern Pac. R. Co. <i>v.</i> (U. S.).....	4-259
Eggman, East St. Louis Connecting R. Co. <i>v.</i> (Ill.).....	9-438
St. Louis, etc., R. Co. <i>v.</i> (Ill.).....	4-263
E. Harrisburg Pass. R. Co., Citizens' Pass. R. Co. <i>v.</i> (Pa.).....	1-189
Ehlert, Lake Shore & M. S. Ry. Co. <i>v.</i> (Ohio).....	19-731
Eichengreen <i>v.</i> Louisville & N. R. Co. (Tenn.).....	3-453
Eichhorn <i>v.</i> Louisville & N. R. Co. (Ky.).....	23-941
Eichorn <i>v.</i> Missouri, K. & T. R. Co. (Mo.).....	2-279, 280, 385
Eidson <i>v.</i> Southern Ry. Co. (Miss.).....	11-832
Eikleberry, Walker <i>v.</i> (Okla.).....	13-253
Elder, Atchison, etc., R. Co. <i>v.</i> (Kan.).....	5-309
Eldridge, North Chicago St. R. Co. <i>v.</i> (Ill.).....	2-299, 301, 385
Electric Lighting Co. <i>v.</i> Mobile, etc., R. Co. (Ala.).....	4-265
Electric R. Co. <i>v.</i> Carson (Ga.).....	8-769, 770
Electric Traction Co., Blaney <i>v.</i> (Pa.).....	10-560
Connor <i>v.</i> (Pa.).....	4-263
Gross <i>v.</i> (Pa.).....	6-780
Smith <i>v.</i> (Pa.).....	12-422
Elgin Condensed Milk Co., St. Louis & S. W. Ry. Co. <i>v.</i> (Ill.)..	13-112
Elgin, J. & E. Ry. Co. <i>v.</i> Duffy (Ill.).....	23-361
Elliott <i>v.</i> Louisville & N. R. Co. (Ky.).....	15-805
Missouri, K. & T. Ry. Co. <i>v.</i> (Ind. Ter.).....	14-587, 18-715
<i>v.</i> Newport St. R. Co. (R. I.).....	2-299, 386, 388
<i>v.</i> Western & A. R. Co. (Ga.).....	21-889
Ellis <i>v.</i> Boston & M. R. Co. (Mass.).....	10-490
Burke <i>v.</i> (Tenn.).....	19-695
<i>v.</i> Erie R. Co. (N. J.).....	22-629
Gulf, C. & S. F. R. Co. <i>v.</i> (U. S.).....	6-752
Ellsworth <i>v.</i> Chicago, B. & Q. R. Co. (Iowa).....	2-80
<i>v.</i> Chicago & I. W. R. Co. (Iowa).....	3-5
Elmira, C. & N. R. Co., Parker <i>v.</i> (N. Y.).....	20-344
Elston <i>v.</i> Delaware, L. & W. R. Co. (Pa.).....	21-354
Ely, Northern Pac. Ry. Co. <i>v.</i> (Wash.).....	22-90
Emmerson, Atchison, T. & S. F. R. Co. <i>v.</i> (Kan.).....	8-663
Emminger, Omaha St. Ry. Co. <i>v.</i> (Neb.).....	12-188
Englehart, Chicago, B. & Q. R. Co. <i>v.</i> (Neb.).....	15-404
English <i>v.</i> Southern Pac. Co. (Utah).....	4-63
Enix <i>v.</i> Iowa Cent. Ry. Co. (Iowa).....	23-54
Enochs <i>v.</i> Pittsburgh, C., C. & St. L. R. Co. (Ind.).....	5-349
Enright <i>v.</i> Pittsburgh Junction R. Co. (Pa.).....	20-564
Enslen, South Covington, etc., St. R. Co. <i>v.</i> (Ky.).....	7-785
Enyard (Northern Pac. Ry. Co., Intervener), Northern Counties Inv. Trust, Limited, <i>v.</i> (Wash.).....	20-830
Ephland <i>v.</i> Missouri Pac. R. Co. (Mo.).....	7-579
Epling, Dickson <i>v.</i> (Ill.).....	9-403
Erickson, Trumbull <i>v.</i> (C. C. A.).....	17-93
Erie Electric Motor Co., Woekner <i>v.</i> (Pa.).....	5-719
Erie & Pennsylvania R. Co., Jones <i>v.</i> (Pa.).....	3-18
Erie R. Co., Conkling <i>v.</i> (N. J.).....	15-61
Ellis <i>v.</i> (N. J.).....	22-629
Gilbert <i>v.</i> (C. C. A.).....	18-15
Green <i>v.</i> (N. J.).....	19-308

Erie R. Co., <i>In re</i> (N. J.)	21-695
<i>Rafferty v.</i> (N. J.)	21-778
<i>Sonn v.</i> (N. J.)	22-389
Erie & W. Transp. Co., <i>Mannheim Ins. Co. v.</i> (Minn.)	13-161
Erslew <i>v.</i> New Orleans & N. E. R. Co. (La.)	6-436
Estill County, Richmond, N., I. & B. R. Co. <i>v.</i> (Ky.)	13-365
Etson <i>v.</i> Ft. Wayne, etc., R. Co. (Mich.)	5-718
Eureka & K. R. R. Co. <i>v.</i> California & N. Ry. Co. (C. C. A.)	22-404
Evans <i>v.</i> Charleston & W. C. Ry. Co. (Ga.)	15-200
<i>v.</i> Chicago, St. P., M. & O. R. Co. (Wis.)	1-27, 61
<i>v.</i> Lake Erie & W. R. Co. (Ind.)	10-837
<i>v.</i> Sherman, S. & S. R. Co. (Tex.)	5-184
Southern Ry. Co. in Kentucky <i>v.</i> (Ky.)	21-809
Evansville & R. R. Co. <i>v.</i> Barnes (Ind.)	2-18
Evansville Street R. Co. <i>v.</i> Gentry (Ind.)	5-500
Evansville & T. H. R. Co., Holbrook <i>v.</i> (Ga.)	23-597, 598
<i>v.</i> State, Town of Ft. Branch (Ind.)	11-278
Evansville, etc., R. Co., City of Terre Haute <i>v.</i> (Ind.)	8-759, 760
Everett <i>v.</i> Receivers of Richmond & D. R. Co. (N. Car.)	8-523
Ex parte Kelly (Eng.)	5-698
Ex parte Northeastern R. Co. (S. Car.)	21-99
Ex parte Rorke (Eng.)	5-698
Exton <i>v.</i> Central R. Co. of New Jersey (N. J.)	14-240
Fagg <i>v.</i> Louisville & N. R. Co. (Ky.)	22-171
Fairbanks <i>v.</i> Bangor, O. & O. Ry. Co. (Me.)	22-756
• Fairbanks, N. K., & Co., Cincinnati, N. O. & T. P. Ry. Co. <i>v.</i> (C. C. A.)	13-179
Fair Haven & W. R. Co., Baldwin <i>v.</i> (Conn.)	9-853
Brockett <i>v.</i> (Conn.)	20-406
Fairman <i>v.</i> Boston & A. R. Co. (Mass.)	9-83
Falk, Lake Erie & W. R. Co. <i>v.</i> (Ohio)	17-751, 18-99
Farber <i>v.</i> Missouri Pac. R. Co. (Mo.)	2-166, 444, 7-700
Farley <i>v.</i> Cincinnati, H. & D. R. Co. (C. C. A.)	21-404
Farmers' & Drovers' Live-Stock Commission Firm, Louisville & N. R. Co. <i>v.</i> (Ky.)	17-284
Farmers' Loan & Trust Co., Boyle <i>v.</i> (C. C. A.)	14-817
<i>v.</i> Carolina C. G. & C. Ry. Co. (C. C. A.)	15-212
<i>v.</i> Housatonic R. Co. (N. Y.)	9-281
Huntington <i>v.</i> (C. C. A.)	14-817
Lackawanna Iron & Coal Company <i>v.</i> (U. S.)	17-561
<i>v.</i> Longworth (C. C. A.)	9-201
<i>v.</i> Nestle (C. C. A.)	11-877
<i>v.</i> New York & N. R. Co. (N. Y.)	7-321
<i>v.</i> Northern Pac. R. Co. (Wis.)	3-459
<i>v.</i> Northern Pac. R. Co. (C. C. A.)	9-81
Farmers' Loan, etc., Co. <i>v.</i> Oregon Pac. R. Co. (Ore.)	7-780
Farmer <i>v.</i> Myles (La.)	23-732
Farmington Mercantile Co. <i>v.</i> Chicago, B. & O. R. Co. (Mass.)	5-59
Farmville & P. R. Co., Rudd <i>v.</i> (Va.)	3-656
Farnsworth, Lime Rock <i>v.</i> Co. <i>v.</i> (Me.)	3-13
Farquhar <i>v.</i> Alabama & V. R. Co. (Miss.)	20-538
Farrington, Missouri, K. & T. Ry. Co. <i>v.</i> (Ind. Ter.)	11-854
<i>v.</i> Rutland R. Co. (Vt.)	19-248
Farrow <i>v.</i> Nashville, etc., R. Co. (Ala.)	5-704
Farwell, Chicago, R. I. & P. Ry. Co. <i>v.</i> (Neb.)	17-687
Faulkner, Ashland, C. & St. R. Co. <i>v.</i> (Ky.)	10-223
Faust <i>v.</i> Philadelphia & R. Ry. Co. (Pa.)	15-146
Fay <i>v.</i> Chicago, St. P., M. & O. Ry. Co. (Minn.)	12-641
Feely, New York & New England R. Co. <i>v.</i> (Mass.)	2-103
Felska <i>v.</i> New York Cent., etc., R. Co. (N. Y.)	7-772,
Felton <i>v.</i> Clarkson (Tenn.)	17-300
<i>v.</i> Harbeson (C. C. A.)	20-131
<i>v.</i> Holbrook (Ky.)	17-146
<i>v.</i> Horner (Tenn.)	8-79
<i>v.</i> McCreary-McClellan Live-Stock Co. (Ky.)	21-9

Felton <i>v.</i> Spiro (C. C. A.).....	10-865
Fennell <i>v.</i> Harris (Pa.).....	9-709
Highland Ave., etc., Co. <i>v.</i> (Ala.)...	6-777
Ferguson <i>v.</i> Chicago, M. & St. R. Co. (Iowa).....	8-241
Plessy <i>v.</i> (U. S.).....	4-277
St. Louis, I. M. & S. R. Co. <i>v.</i> (Ark.).....	10-634
Western & A. R. Co. <i>v.</i> (Ga.).....	22-350
Fidelity & Casualty Co., Phillipsburg Horse Car Co. <i>v.</i> (Pa.)....	2-415
Fidelity Insurance, Trust & Safe-Deposit Co. <i>v.</i> Norfolk & W. R. Co. (C. C.).....	12-873
Fidelity Loan & Trust Co. <i>v.</i> Douglas (Iowa).....	9-713
Fillette <i>v.</i> Lynchburg & D. Co. (N. Car.).....	2-388
Fink, Moon <i>v.</i> (Ga.).....	10-848
Finkeldey <i>v.</i> Omnibus Cable Co. (Cal.).....	5-393
Finkelston <i>v.</i> Chicago, M. & St. P. R. Co. (Wis.).....	6-193
Finnegan <i>v.</i> Michigan Cent. R. Co. (Mich.).....	21-725
Finney, Georgia, S. & F. R. Co. <i>v.</i> (Ga.)	10-446
First Methodist Episcopal Church of Leavenworth City, Kan., Chicago G. W. Ry. Co. <i>v.</i> (C. C. A.).....	19-538
First Nat. Bank of Grand Junction <i>v.</i> Wyman (Colo.).....	23-277
Fischer <i>v.</i> Catawissa R. Co. (Pa.).....	4-310
Fish <i>v.</i> Chicago, St. P. & K. C. Ry. Co. (Minn.).....	23-409
Fisher, Kansas City & S. W. R. Co. <i>v.</i> (Kan.).....	3- 11
<i>v.</i> Louisville, etc., R. Co. (Ind.).....	6-782, 785
<i>v.</i> Paxson (Pa.).....	8-516
<i>v.</i> West Virginia & P. R. Co. (W. Va.).....	4- 86
Fitchburg R. Co., Boyden <i>v.</i> (Vt.)....	10-523
Doyle <i>v.</i> (Mass.).....	5-257
Dyer <i>v.</i> (Mass.).....	11-473
Jeffris <i>v.</i> (Wis.).....	4-608
Kidder <i>v.</i> (Mass.).....	3-453
Murray <i>v.</i> (Mass.).....	3-445
Swift River Co. <i>v.</i> (Mass.)....	8-512
Fitzgerald <i>v.</i> New York Cent. & H. R. R. Co. (N. Y.).....	9-434
Fitzgibbon <i>v.</i> Chicago & N. W. Ry. Co. (Iowa)	14-270
Flaherty <i>v.</i> Harrison (Wis.).....	10-176
Flanagan, North Hudson County R. Co. <i>v.</i> (N. J.).....	1-265
<i>v.</i> People's Pass. R. Co. (Pa.)....	1-268
<i>v.</i> Philadelphia, W. & B. R. Co. (Pa.).....	8-119
Fleetwood, Railroad Co. <i>v.</i> (Ga.).....	5-694
Fleishman <i>v.</i> Neversink Mountain R. Co. (Pa.).....	4-261
<i>v.</i> Railroad Co. (Pa.).....	5-717
Fleming <i>v.</i> Louisville & N. R. Co. (Tenn.).....	20-549
Fletcher <i>v.</i> Baltimore & P. R. Co. (U. S.).....	9-229
Flewelling <i>v.</i> Lewiston & A. H. R. Co. (Me.).....	6-501
Flint & P. M. R. Co., Buckley <i>v.</i> (Mich.).....	15- 1
Hengstler <i>v.</i> (Mich.).....	20-707
Jacob <i>v.</i> (Mich.).....	2-258, 260, 301, 383
Jarvis <i>v.</i> (Mich.).....	22-312
Jones <i>v.</i> (Mich.).....	21-904
Flippin <i>v.</i> Kimball (C. C. A.).....	11-256
Florence E. D. & W. V. R. Co. <i>v.</i> Lilley (Kan.).....	3-25, 31
Florida Cent. & P. R. Co. <i>v.</i> Burney (Ga.).....	6-543
Daniels <i>v.</i> (S. Car.).....	23-107
Davis <i>v.</i> (S. Car.).....	5-324
<i>v.</i> Foxworth (Fla.)	13-469
Garrick <i>v.</i> (S. Car.)	13-541
Gillman <i>v.</i> (S. Car.)	12-125
<i>v.</i> Lucas (Ga.).....	16-818
Lynch <i>v.</i> (Ga.).....	22-477
<i>v.</i> Mooney (Fla.).....	12-721
Morris <i>v.</i> (Fla.).....	22-559
<i>v.</i> Ocala St. & S. R. Co. (Fla.)	7-686
Richardson <i>v.</i> (S. Car.).....	15-575
<i>v.</i> Rudolph (Ga.).....	21- 6

Florida Cent., etc., R. Co., <i>Pitts v. (Ga.)</i>	8-762
Florida, etc., R. Co. <i>v. Williams (Fla.)</i>	5-696, 709, 710, 719
Floyd <i>v. Paducah Railway & Light Co. (Ky.)</i> ..	23-167
Floytrup <i>v. Boston & Maine R. Co. (Mass.)</i>	2-273
Fluhrer <i>v. Lake Shore & M. S. Ry. Co. (Mich.)</i>	17-463, 18-153
Flynn <i>v. Boston & A. R. Co. (Mass.)</i>	8-691
Foley <i>v. Brunswick Traction Co. (N. J.)</i>	23-621
<i>Comer v. (Ga.)</i>	5-250
<i>Union Pac. R. Co. v. (Colo.)</i>	1- 62
Foote, Edwards <i>v. (Mich.)</i>	23-812
<i>Merritt v. (Mich.)</i>	23- 43
Forbes, St. Louis, etc., R. Co. <i>v. (Ark.)</i>	6-788
Ford <i>v. Chicago, R. I. & P. Ry. Co. (Iowa)</i>	11-489
<i>v. Delta & Pine Land Co. (U. S.)</i>	6-395
<i>v. St. Louis, I. M. & S. R. Co. (Ark.)</i>	15-142
Fordyce <i>v. Edwards (Ark.)</i>	11-521
<i>Fullerton v. (Mo.)</i>	2-279, 282, 10-729
Foreman <i>v. Pennsylvania R. Co. (Pa.)</i>	17-246
Forest County, Chicago, etc., R. Co. <i>v. (Wis.)</i>	6-796
Forrest <i>v. Philadelphia, etc., R. Co. (Pa.)</i>	4-256
Forrester, Georgia R. & B. Co. <i>v. (Ga.)</i>	2-648
Forshee, Central of Georgia Ry. Co. <i>v. (Ala.)</i>	18-467
Forsythe, Southern Ry. Co. <i>v. (Ky.)</i>	23- 51
<i>Wisconsin Cent. R. Co. v. (U. S.)</i>	1-487
Ft. Madison St. Ry. Co., Snyder <i>v. (Iowa)</i>	11- 53
Ft. Scott, W. & W. R. Co. <i>v. Sparks (Kan.)</i>	2-110, 157
Ft. St. Union Depot Co. <i>v. Peninsular Stove Co. (Mich.)</i>	3- 30
Ft. Wayne & B. I. R. Co., Laethem <i>v. (Mich.)</i>	1-259, 274
<i>McClellan v. (Mich.)</i>	1-266, 268
Ft. Wayne & E. R. Co., Kingston <i>v. (Mich.)</i>	9-259
Ft. Wayne, etc., R. Co., Etson <i>v. (Mich.)</i>	5-718
Ft. Worth & D. C. Ry. Co. <i>v. Cushman (Tex.)</i>	14-259
<i>v. Hyatt (Tex.)</i>	3-397
<i>v. Wood (Tex.)</i>	2-542
Ft. Worth & R. G. Ry. Co., Gulf, C. & S. F. R. Co. <i>v. (Tex.)</i> ...3-30, 95, 97	
Ft. Worth Ice Co. <i>v. Chicago, R. I. & T. R. Co. (Tex.)</i>	3-169
Foss <i>v. Old Colony R. Co. (Mass.)</i>	11- 41
Foster <i>v. Chicago, R. I. & T. R. Co. (Tex.)</i>	3- 1
<i>v. London, Chatham & Dover R. Co. (Eng.)</i>	1-717
Foulks, Illinois Cent. R. Co. <i>v. (Ill.)</i>	23-664
Fowler, Alabama G. S. R. Co. <i>v. (Ga.)</i>	11-860
<i>Gulf, C. & S. F. R. Co. v. (Tex.)</i> ..	3-424
<i>St. Louis, O. H. & C. R. Co. v. (Mo.)</i>	10-405
Fowlks <i>v. Southern Ry. Co. (Va.)</i>	14-250
Fox <i>v. Hartford & W. H. H. R. Co. (Conn.)</i>	10-456
<i>Missouri Pac. Ry. Co. v. (Neb.)</i>	12-863
<i>v. Oakland Consol. St. R. Co. (Cal.)</i>	9-825
<i>v. Pennsylvania R. Co. (Pa.)</i>	18-198
<i>Wabash R. Co. v. (Ohio)</i>	21-690
Foy <i>v. Chicago, M. & St. P. R. Co. (Minn.)</i>	2-646
Frankford S. P. C. Pass. R. Co., Kraut <i>v. (Pa.)</i>	1-292
<i>Lott v. (Pa.)</i>	1- 68
Frankford, etc., R. Co. <i>v. Philadelphia (Pa.)</i>	4-265
Frazier, Chicago, Kansas & W. R. Co. <i>v. (Kan.)</i>	2-206
<i>Texas Cent. R. Co. v. (Tex.)</i>	3-381, 4-664
Freeman <i>v. Illinois Cent. R. Co. (Tenn.)</i>	22- 49
<i>Long v. (N. Car.)</i>	1- 97
<i>Northern Pac. R. Co. v. (U. S.)</i>	15- 89
Freiday <i>v. Sioux City R. T. Co. (Iowa)</i>	1-408
Fremont, Elkhorn & Missouri Valley R. Co. <i>v. French (Neb.)</i> ...	4-365
<i>Humphreus v. (S. Dak.)</i>	2-546
Fremont, etc., R. Co. <i>v. Harlin (Neb.)</i>	8-766, 767
<i>v. Root (Neb.)</i>	8-754
<i>v. Waters (Neb.)</i>	8-753
French, Fremont, E. & M. V. R. Co. <i>v. (Neb.)</i>	4-365

French, St. Louis & S. F. R. Co. v. (Kan.)	3-434, 440
Friel, Chesapeake & O. R. Co. v. (Ky.)	8-126
Friend, Kimball v. (Va.)	8-451
Fries v. Wheeling & L. E. R. Co. (Ohio)	6-489
Fritz v. Detroit City R. Co. (Mich.)	1-265
Frost, Gulf, C. & S. F. R. Co. v. (Tex.)	3-422, 423
Oregon, etc., R. Co. v. (U. S.)	5-707
Frostburg Mining Co. v. Cumberland & Pennsylvania R. Co. (Md.)	2-568
Fuller v. Lake Shore & M. S. R. Co. (Mich.)	3-589
Fullerton v. Fordyce (Mo.)	2-279, 282, 10-729
Fulmore v. St. Paul City Ry. Co. (Minn.)	11-636
Fulton v. Bullard (C. C. A.)	14-547
Funk v. Traction Co. (Pa.)	5-715
Gableman, Louis J., Jr., v. Peoria, Decatur & Evansville Railway Company (U. S.)	20-505
Gage v. Illinois Cent. R. Co. (Miss.)	8-377
Gahagan v. Boston & M. R. H. (N. H.)	23-141
Gaines, Louisville & N. R. Co. v. (Ky.)	5-226
Gainesville, J. & S. R. Co. v. Edmonson (Ga.)	10-154
Galbraith v. West End St. R. Co. (Mass.)	3-628
Galesburg & G. E. R. Co. v. Milroy (Ill.)	19-277
Galey, Chicago & Southwestern R. Co. v. (Ind.)	3-234
Gallagher, Hedding v. (N. H.)	17-192
Galveston, H. & H. R. Co. v. Bohan (Tex. Civ. App.)	12-490
Galveston, H. & S. A. Ry. Co. v. Adams (Tex.)	20-274
Bonnet v. (Tex.)	3-437
v. Davis (Tex.)	12-832
v. Gormley (Tex.)	9-468
v. Hertzog (Tex. Civ. App.)	12-846
v. Hunt & Gray (Tex.)	2-731
Jackson v. (Tex.)	8-236
v. Kieff (Tex.)	20-238
McCray v. (Tex.)	3-276
v. Nass (Tex.)	20-306
Norwood v. (Tex.)	3-395
v. State (Tex.)	3-449
v. Zantzing (Tex.)	13-840, 16-679
Galveston & W. R. Co. v. City of Galveston (Tex.)	7- 72
Galveston, etc., R. Co. v. City of Galveston (Tex.)	7-779
Gammage v. Atlanta, etc., R. Co. (Ga.)	5-709
Gannon v. New Orleans City, etc., R. Co. (La.)	6-792
Gans, St. Louis S. W. Ry. Co. v. (Ark.)	21-498
Garbutt, Railey v. (Ga.)	20-211
Gardiner, Chicago, B. & Q. R. Co. v. (Neb.)	6-534
Gardner, New Jersey Traction Co. v. (N. J.)	2-259
New Jersey Traction Co. v. (N. J.)	9-843
v. New Orleans & N. E. R. Co. (Miss.)	21-865
v. Southern Ry. Co. (N. Car.)	20- 82
v. Waycross, etc., R. Co. (Ga.)	5-694
Garland v. Southern Ry. Co. (Ga.)	18-759
Garner v. Trumbull (C. C. A.)	15-589
Garrett v. Lake Roland Elevated R. Co. (Md.)	1-385
Port Blakely Mill Co. v. (C. C. A.)	16-363
v. Southern Ry. Co. (C. C. A.)	18-529
Garrick v. Florida Cent. & P. R. Co. (S. Car.)	13-541
Garthright, Richmond R., etc., Co. v. (Va.)	4-257, 263, 264
Gassett, Alabama Midland R. Co. v. (Ga.)	5-607
Gate City Co-op. Grocery Co., St. Louis S. W. Ry. Co. v. (Ark.)	23-875
Gaulden v. Kansas City S. Ry. Co. (La.)	23-909
Gavigan v. Lake Shore & M. S. R. Co. (Mich.)	5-523
Geist, Missouri Pac. R. Co. v. (Neb.)	5-421
v. Missouri Pac. R. Co. (Neb.)	22-364
Gentry, Evansville Street R. Co. v. (Ind.)	5-500
Gentry, Texas & P. R. Co. v. (U. S.)	4-559

George v. Mobile, etc., R. Co. (Ala.).....	4-257, 258
Railroad Co. v. (Ala.).....	5-708
v. Washington County R. Co. (Me.).....	15-850
Georgia & A. Ry. Co. v. Pound (Ga.).....	17-398
v. Rawson (Ga.).....	19-463
Georgia, C. & N. Ry. Co., Cooper v. (S. Car.).....	16-12, 22-667
v. Watkins (Ga.).....	3-429
Wolff v. (Ga.).....	1- 64
Georgia, Hennington v. (U. S.).....	4-488
Georgia Railroad & Banking Co., Banks v. (Ga.).....	20-225
v. Churchill (Ga.).....	21- 17
City Council of Augusta v. (Ga.).....	7-384
v. Clarke (Ga.).....	5-219
v. Clary (Ga.).....	11-856
Cromer v. (Ga.).....	12-318
v. Cromer (Ga.).....	12-318
v. Forrester (Ga.).....	2-648
Grady v. (Ga.).....	20-400
Johnson v. (Ga.).....	16- 89
v. Keating (Ga.).....	5-331
Pennsylvania Steel Co. v. (Ga.).....	2-685
Phillips v. (Ga.).....	2-110
v. Phillips (Ga.).....	2-473
Smith v. (Ga.).....	21- 20
Strom v. (Ga.).....	13-849
Georgia R. Co., American National Bank v. (Ga.).....	2-618
v. Johnson (Ga.).....	21-840
Kerr v. (Ga.).....	14-837
Worlds v. (Ga.).....	5-514
Georgia R., etc., Co. v. Bohler (Ga.).....	8-766, 767
Killian v. (Ga.).....	5-694, 695, 709
McElroy v. (Ga.).....	5-697
v. Richmond (Ga.).....	5-694, 707
Georgia S. & F. Ry. Co. v. Barton (Ga.).....	10-446
v. Finney (Ga.).....	10-446
Hicks v. (Ga.).....	14-279
McIver v. (Ga.).....	15-703
v. McIver (Ga.).....	15-703
v. Sanders (Ga.).....	18-206
v. Southern Ry. Equipment Co. (Ga.).....	15-295
v. Wisenbaker (Ga.).....	22-186
Germain Fruit Co. v. California S. R. Co. (Cal.).....	22-362
Gibbons v. Wisconsin Valley R. Co. (Wis.).....	5-323
Gibson, Brunswick & W. R. Co. v. (Ga.).....	5-441
Missouri Pac. R. Co. v. (Kan.).....	3-494
Gideonsen v. Union Depot Co. (Mo.).....	2-388
Gidley, Louisville & N. R. Co. v. (Ala.).....	13-214
Gieselman, International & G. N. R. Co. v. (Tex.).....	3-446
G. I.; etc., R. Co., Adams v. (S. Dak.).....	8-765
Gilbert v. Erie R. Co. (C. C. A.).....	18- 15
Gill, St. Louis & San Francisco R. Co. v. (U. S.).....	2- 63
Gillan v. Minneapolis St. P. & S. Ste. Marie R. Co. (Wis.).....	2-145
Gillett, Walker v. (Kan.).....	10-140
Gillin v. Patten & S. R. Co. (Me.).....	16-508
Gilman v. Boston & M. R. Co. (Mass.).....	8-478
v. Florida Cent. & P. R. Co. (S. Car.).....	12-125
Gilton v. Hestonville, N. & F. P. R. Co. (Pa.).....	1-292
Ginley, Louisville & N. R. Co. v. (Tenn.).....	11-443
Girton v. Lehigh Valley R. Co. (Pa.).....	21-157
Girvin v. New York Cent. & H. R. R. Co. (N. Y.).....	20-547
Glade Creek & R. R. Co., Kay v. (W. Va.).....	17-695
Gladson v. State of Minnesota (U. S.).....	7-558
Glenn v. Norfolk & W. R. Co. (N. Car.).....	21-585
Glenny, Chicago & A. R. Co. v. (Ill.).....	12-839
Glover v. Charleston & S. Ry. Co. (S. Car.).....	17-102

Glover, Memphis & C. R. Co. <i>v.</i> (Miss.).....	22-708
Mexican Cent. Ry. Co., Limited, <i>v.</i> (C. C. A.).....	21-272
Savannah, F. & W. Ry. Co. <i>v.</i> (Ga.).....	13-566
<i>v.</i> Savannah, F. & W. Ry. Co. (Ga.).....	13-566
Glynn <i>v.</i> Central R. R. of New Jersey (Mass.).....	17-482
Gobleigh <i>v.</i> Grand Trunk R. Co. (Vt.).....	5-445
Gochenour, Union Pac. R. Co. <i>v.</i> (Kan.).....	3-288
Godbout <i>v.</i> St. Paul Union Depot Co. (Minn.).....	16-821
Goddard <i>v.</i> Boston & M. R. Co. (Mass.).....	21-423
Godola, East Omaha St. R. Co. <i>v.</i> (Neb.).....	7-300
Goff, Chicago P. & M. R. Co. <i>v.</i> (Ill.).....	3-136
Goldberg <i>v.</i> Ahnapee & W. Ry. Co. (Wis.).....	17- 65
Goodhart <i>v.</i> Pennsylvania R. Co. (Pa.).....	5-364
Goodin, Atlantic City R. Co. <i>v.</i> (N. J.).....	14-291
Goodloe <i>v.</i> Memphis & C. R. Co. (Ala.).....	2-444
Goodrich <i>v.</i> Burlington, C. R. & N. R. Co. (Iowa).....	3-620, 10-719
<i>v.</i> Kansas City, C. & S. Ry. Co. (Mo.).....	19-137
Goodwell <i>v.</i> Montana Cent. R. Co. (Mont.).....	4-419
Goodwin, Union Stock-Yards Co. <i>v.</i> (Neb.).....	12-502
<i>Western & A. R. Co. v.</i> (Ga.).....	12-219
Goorin <i>v.</i> Allegheny Traction Co. (Pa.).....	9-864
Gordon Heights Ry. Co., Williamson <i>v.</i> (Del.).....	14-809
Gordon, Mayor, St. Louis & S. F. R. Co. <i>v.</i> (Mo.).....	19-561
Gorgas <i>v.</i> Railroad Co. (Pa.).....	3-131
Grade Crossing Comr's of City of Buffalo, In re (N. Y.).....	21-746
Gradert <i>v.</i> Chicago & N. W. Ry. Co. (Iowa).....	20-118
Grady <i>v.</i> Georgia R. R. & Banking Co. (Ga.).....	20-400
Graff <i>v.</i> Detroit Citizens' Street R. Co. (Mich.).....	5-447
Graham, Boston & M. R. R. <i>v.</i> (Mass.).....	22-553
Graham, Louisville & N. R. Co. <i>v.</i> (Ky.).....	3-433
Graham <i>v.</i> McNeill (Wash.).....	12-149
<i>v.</i> Manhattan R. Co. (N. Y.).....	4-256, 260
Grand Ave. Ry. Co., Ruckert <i>v.</i> (Mo.).....	22-641
Grand Island & W. C. R. Co. <i>v.</i> Swinbank (Neb.).....	9-870
Grand Rapids & I. R. Co. <i>v.</i> Butler (U. S.).....	1-594
Grand Tower & Cape Girardeau Co. <i>v.</i> Wolton (Ill.).....	1-686
Grand Trunk Ry. Co., Bledsoe <i>v.</i> (Mich.).....	20-927
Boothby <i>v.</i> (N. H.).....	3-655
Bradley <i>v.</i> (Mich.).....	2-281
Casey <i>v.</i> (N. H.).....	16-361
<i>v.</i> Central Vermont R. Co. (Vt.).....	11-693, 12-865
Costello <i>v.</i> (N. H.).....	19-386
<i>v.</i> Cumberland County (Me.).....	3-434
Gobleigh <i>v.</i> (Vt.).....	5-445
Kilpatrick <i>v.</i> (Vt.).....	20-300
Trudell <i>v.</i> (Mich.).....	20-316
Wheeler <i>v.</i> (N. H.).....	23- 84
Grand Trunk Ry. Co. of Canada, Baldwin <i>v.</i> (Mich.).....	23-117
<i>v.</i> Cobleigh (C. C. A.).....	7-769
Graney <i>v.</i> St. Louis, I. M. & S. R. Co. (Mo.).....	8-187
Granite State Fire Ins. Co., Omaha & R. V. Ry. Co. <i>v.</i> (Neb.).....	14-140
Grant, Chicago, M. & St. P. Ry. Co. <i>v.</i> (Ill.).....	11-823
<i>v.</i> Los Angeles, etc., R. Co. (Cal.).....	7-779, 780
Grant St. Electric R. Co., Vasele <i>v.</i> (Wash.).....	9- 75
Graven <i>v.</i> MacLeod (C. C. A.).....	14-305
Graves, Cincinnati, N. O. & T. P. Ry. Co.'s Receiver <i>v.</i> (Ky.).....	16-177
Gray <i>v.</i> Boston & M. R. R. (Mass.).....	8-481
<i>v.</i> Chicago, M. & St. P. R. Co. (Ill.).....	21-252
<i>Cleveland, C., C. & St. L. R. Co. v.</i> (Ind.).....	8- 48
Graybill <i>v.</i> Chicago, M. & St. P. Ry. Co. (Iowa).....	20-178
Great Eastern R. Co., Meux <i>v.</i> (Eng.).....	2-464
Great Northern Ry. Co., Ausk <i>v.</i> (N. Dak.).....	21-851
<i>Baker v.</i> (Minn.).....	2'-396
<i>Baldwin v.</i> (Minn.).....	19-202
<i>Barrett v.</i> (Minn.).....	12-742

Great Northern Ry. Co., <i>Baxter v. (Minn.)</i>	14- 85
Blomquist <i>v. (Minn.)</i>	4-439
Brennan Lumber Co. <i>v. (Minn.)</i>	15-478
Cameron <i>v. (N. Dak.)</i>	12-520
<i>v. City of St. Paul (Minn.)</i>	1- 12
Coulter <i>v. (N. Dak.)</i>	4-336
Crandall <i>v. (Minn.)</i>	21-388
Czech <i>v. (Minn.)</i>	7-374
Haug <i>v. (N. Dak.)</i>	12- 25
Hillary <i>v. (Minn.)</i>	4- 51
Hooper <i>v. (Minn.)</i>	19- 1
Jenson <i>v. (Minn.)</i>	11-253
Johnson <i>v. (N. Dak.)</i>	11- 76
<i>v. Kasischke (C. C. A.)</i>	19-406
<i>v. Keyes (N. Dak.)</i>	13-128
Koralewski <i>v. (Minn.)</i>	23-918
Kreuzer <i>v. (Minn.)</i>	21-912
Lemery <i>v. (Minn.)</i>	21-257
McKibbin <i>v. (Minn.)</i>	16-155
McTavish <i>v. (N. Dak.)</i>	14- 59
Marengo <i>v. (Minn.)</i>	23-660
Merritt <i>v. (Minn.)</i>	19-775
Minneapolis Sash & Door Co. <i>v. (Minn.)</i>	21-750
Munch <i>v. (Minn.)</i>	12-586
Olson <i>v. (Minn.)</i>	7-241
O'Neill <i>v. (Minn.)</i>	17-415
<i>v. Palmer (Eng.)</i>	2- 99
Pearsall <i>v. (U. S.)</i>	3-503
Schmidt <i>v. (Minn.)</i>	21- 95
Sloniker <i>v. (Minn.)</i>	13-819
Sours <i>v. (Minn.)</i>	23-457
Starr <i>v. (Minn.)</i>	7-778
Steenerson <i>v. (Minn.)</i>	8-559
Thompson <i>v. (Minn.)</i>	19-421
Turner <i>v. (Wash.)</i>	5-238
Village of Wayzata <i>v. (Minn.)</i>	7-360
Williams <i>v. (Minn.)</i>	7-230
Wolf <i>v. (Minn.)</i>	12-619
Young <i>v. (N. Dak.)</i>	14- 72
Green, Atchison, etc., R. Co. <i>v. (Kan.)</i>	6-786
<i>v. Chicago & W. M. R. Co. (Mich.)</i>	6-317
<i>v. City & Suburban R. Co. (Md.)</i>	1-198
<i>v. Coast Line R. Co. (Ga.)</i>	4-150
East Tennessee, V. & G. R. Co. <i>v. (Ga.)</i>	2-299
<i>v. Erie R. Co. (N. J.)</i>	19-308
<i>v. South-Bound R. Co. (Ga.)</i>	21-664
<i>v. Southern Pac. Co. (Cal.)</i>	13-511, 21- 26
Walker <i>v. (Kan.)</i>	14-366
Green County, Carpenter <i>v. (Ala.)</i>	23-191
Greenlee <i>v. Southern Ry. Co. (N. Car.)</i>	11- 45
Greenthal, St. Louis I. M. & S. R. Co. <i>v. (U. S.)</i>	6-261
Greenville & H. Ry. Co., Attorney General, Morris & Cumings Dredging Co. <i>v. (N. J.)</i>	21-728
Greenwood, etc., R. Co. <i>v. Strang (U. S.)</i>	6-788
Gregg <i>v. Mercantile Trust Co. (C. C. A.)</i>	22-484
Gregory <i>v. Chicago, etc., R. Co. (Iowa)</i>	6-773, 775
Grieve <i>v. Illinois Cent. R. Co. (Iowa)</i>	9-669
Griffin <i>v. Brunswick & N. R. Co. (Ga.)</i>	21-808
Illinois Cent. R. Co. <i>v. (Ill.)</i>	17-767
<i>v. Jacksonville, T. & K. W. R. Co. (Fla.)</i>	1- 64
Roy <i>v. (Wash.)</i>	22-596
Griffith, Arkansas Midland R. Co. <i>v. (Ark.)</i>	9-846
Chicago, R. I. & P. R. Co. <i>v. (Neb.)</i>	3-167, 168
Grimmelman, Union Pac. R. Co. <i>v. (Iowa)</i>	8-321
Grimmer <i>v. Pennsylvania R. Co. (Pa.)</i>	3-609

Groeck, Southern Pac. R. Co. v. (U. S.)	1-593, 617
Groesbeck v. Chicago, M. & St. P. R. Co. (Wis.)	5-177
Gross v. Electric Traction Co. (Pa.)	6-780
Illinois Cent R. Co. v. (Miss.)	10-356
Groves, Chicago, R. I. & P. Ry. Co. v. (Kan.)	3-454
Chicago, R. I. & P. Ry. Co. v. (Okla.)	16-850
Grunst v. Chicago & W. M. R. Co. (Mich.)	5-373
Guarantee Trust & Safe-Deposit Co. v. Philadelphia, R. & N. E. R. Co. (Conn.)	12-872
Guhl v. Whitcomb (Wis.)	20-520
Guinn v. Ohio River R. Co. (W. Va.)	13-437
Gulf, C. & S. F. Ry. Co., Amory Mfg. Co. v. (Tex.)	8-472
v. Bolton, (Ind. Ter.)	16-130
v. Crossman (Tex.)	3-425
v. Edloff (Tex.)	3-453
v. Ellis (U. S.)	6-752
v. Fowler (Tex.)	3-424
v. Frost (Tex.)	3-422, 423
v. Ft. Worth & R. G. R. Co. (Tex.)	3-30, 95, 97
v. Hayter (Tex.)	18-46
v. Hodges (Tex.)	2-574
v. Johnson (Tex.)	11-291, 14-82, 15-664
v. Kelly (Tex.)	3-439
v. Moorman (Tex. Civ. App.)	11-157
v. Oakes (Tex.)	19-395
v. Penderly (Tex.)	2-301, 318, 319
v. Reagan (Tex.)	3-427, 433
v. Richards (Tex.)	1-668
v. Smith (Tex.)	2-222
v. Sparger (Tex.)	2-161
v. Stanley (Tenn.)	2-480
v. Warlick (Ind. Ter.)	4-32
v. Yates (Tex.)	2-541
v. Younger (Tex.)	8-84
Gulf & Ship Island R. Co. v. Hewes (U. S.)	23-510
Gulf & S. I. R. Co., Mississippi Railroad Commission v. (Miss.)	21-864
Gulf, etc., R. Co. v. Jones (Ind.)	5-693, 695
v. Milam County (Tex.)	7-780
v. Rowland (Tex.)	6-775
Terry v. (Tex.)	5-714, 715
v. Warner (Tex.)	4-262
Gumbel v. Illinois Cent. R. Co. (La.)	4-452
Gunn v. New York, N. H. & H. R. Co. (Mass.)	14-830
v. Ohio River R. Co. (W. Va.)	6-275
Gusman v. Caffery Cent. Refinery & R. Co., Limited, (La.)	8-463
Gustafson v. Hamm (Minn.)	1-43, 45, 46
Gwyn Harper Mfg. Co. v. Carolina Cent. R. Co. (N. Car.)	21-429
Guy, Louisville, etc., R. Co. v. (Ky.)	6-774
Haber, Missouri, K. & T. Ry. Co. v. (Kan.)	3-471
Missouri, K. & T. Ry. Co. v. (U. S.)	13-37
Haffner v. Chesapeake & O. Ry. Co. (Va.)	12-556
Hague, Chicago B. & O. R. Co. v. (Neb.)	4-476
Haight, Consolidated Traction Co. v. (N. J.)	8-90
Hale, Louisville & N. R. Co. v. (Ky.)	10-73
v. New York & N. E. R. Co. (Mass.)	16-535
Haley v. Kansas City, etc., R. Co. (Ala.)	7-770, 780
Hall v. Cedar Rapids & M. C. Ry. Co. (Iowa)	23-316
Central of Georgia Ry. Co. v. (Ga.)	18-26
Louisville & W. R. Co. v. (Ga.)	14-7
v. Norfolk & W. R. Co. (W. Va.)	8-632
v. Ogden City St. R. Co. (Utah)	4-77
Pullman Palace-Car Co. v. (Ga.)	14-229
Southern Ry. Co. v. (Tenn.)	23-276
Hallett v. Mercantile Trust Co. (C. C. A.)	22-209
v. New York Cent. & H. R. R. Co. (N. Y.)	22-446

Halton <i>v.</i> Southern Ry. Co. (N. Car.).....	19-776
Halvert, Cleveland, C. & St. L. R. Co. <i>v.</i> (Ill.).....	15-180
Hamilton <i>v.</i> Chicago, M. & St. P. R. Co. (Iowa).....	8-526
Massachusetts Loan & Trust Co. <i>v.</i> (C. C. A.).....	11-771
<i>v.</i> Pittsburg, B. & L. E. R. Co. (Pa.).....	13-376
<i>v.</i> Pittsburg & L. E. R. Co. (Pa.).....	10-70
<i>v.</i> West End R. Co. (Mass.).....	2-221
Hamlet Hay Co., New York, C. & St. L. R. Co. <i>v.</i> (Ind.).....	9-291
Hamlin <i>v.</i> New York, N. H. & H. R. Co. (Mass.).....	4-546
Hamm, Gustafson <i>v.</i> (Minn.).....	1-43, 45, 46
Hammond & B. I. R. Co., Lyon <i>v.</i> (Ill.).....	9-337
Hammond, Nashville C. & St. L. R. Co. <i>v.</i> (Ala.).....	1-683, 716, 718
Hampton <i>v.</i> Norfolk & W. R. Co. (N. Car.).....	7-510
Handley <i>v.</i> Missouri Pac. Ry. Co. (Kan.).....	16-674
Haner <i>v.</i> Northern Pac. Ry. Co. (Idaho).....	19-628
Hanks <i>v.</i> Bridgman (Eng.).....	3-656
Hanlon <i>v.</i> Union Pac. R. Co. (Neb.).....	1-701
Hanna, Southern Railway in Kentucky <i>v.</i> (Ky.).....	15-524
Hannibal & St. J. R. Co. <i>v.</i> Totman (Mo.).....	16-695
Hannigan <i>v.</i> Lehigh & H. R. Ry. Co. (N. Y.).....	12-605
Hansley <i>v.</i> Jamesville & Washington R. Co. (N. Car.).....	2-26
Hanson <i>v.</i> Pennsylvania R. Co. (N. J.).....	12-404
Hanlon <i>v.</i> Illinois Cent. R. Co. (Iowa).....	16-101
Harada, Southern Pac. Co. <i>v.</i> (C. C. A.).....	22-375
Harbeson, Felton <i>v.</i> (C. C. A.).....	20-131
Harbin, Southern Ry. Co. <i>v.</i> (Ga.).....	18-692
Harby, Texas & P. Ry. Co. <i>v.</i> (C. C. A.).....	15-737
Hardage, Atlanta Consolidated St. R. Co. <i>v.</i> (Ga.).....	2-158, 162
Harden <i>v.</i> North Carolina R. Co. (N. Car.).....	23-895
<i>v.</i> Chattanooga Southern R. Co. (Ga.).....	22-632
Southern R. Co. <i>v.</i> (Ga.).....	10-250
Harding <i>v.</i> Chicago, M. & St. P. R. Co. (Iowa).....	6-615
<i>v.</i> Lynn & B. R. Co. (Mass.).....	12-865
San Antonio & A. R. Co. <i>v.</i> (Tex.).....	3-389
Hardison <i>v.</i> Atlantic & N. C. R. Co. (N. Car.).....	11-848
Hardy <i>v.</i> Alabama & V. R. Co. (Miss.).....	3-655
<i>v.</i> Boston & M. R. R. (N. H.).....	12-565
Delaware L. & W. R. Co. <i>v.</i> (N. J.).....	4-577
<i>v.</i> Milwaukee St. R. Co. (Wis.).....	2-223, 224, 389
Harkins <i>v.</i> Pittsburg, A. & M. Traction Co. (Pa.).....	3-302, 430
Harlin, Fremont, etc., R. Co. <i>v.</i> (Neb.).....	8-766, 767
Harper <i>v.</i> Barnard (Iowa).....	5-697
<i>v.</i> Philadelphia Traction Co. (Pa.).....	4-257
St. Louis S. W. Ry. Co. <i>v.</i> (Ark.).....	21-77
Harrell, Southern Ry. Co. <i>v.</i> (Ga.).....	11-859
Harrellson <i>v.</i> Kansas City & A. R. Co. (Mo.).....	16-848
Harriman <i>v.</i> Pullman Palace-Car Co. (C. C. A.).....	10-277
Harrington, Chicago & A. R. Co. <i>v.</i> (Ill.).....	23-429
<i>v.</i> Louisville & N. R. Co. (Tenn.).....	17-135
Harris, Boyd <i>v.</i> (Pa.).....	4-472
Fennell <i>v.</i> (Pa.).....	9-709
Illinois Cent. R. Co. <i>v.</i> (Miss.).....	21-119
Schimpf <i>v.</i> (Pa.).....	11-470
United States <i>v.</i> (U. S.).....	6-773, 17-582
Harrisburg & M. Electric R. Co., Northern Cent. R. Co. <i>v.</i> (Pa.)..	6-151
Harrisburg & P. R. Co., Keller <i>v.</i> (Pa.).....	3-130
Harrisburg, etc., R. Co., Harrisburg, etc., Turnpike Road Co. <i>v.</i> (Pa.).....	6-780
Harrisburg Traction Co., Kepner <i>v.</i> (Pa.).....	8-493
Harrisburg, etc., Turnpike Road Co. <i>v.</i> Harrisburg, etc., R. Co. (Pa.).....	6-780
Harrison, Flaherty <i>v.</i> (Wis.).....	10-176
<i>v.</i> Mercantile Co. (C. C. A.).....	22-484
Southern Ry. Co. <i>v.</i> (Ala.).....	13-270
<i>v.</i> Sutter St. Ry. Co. (Cal.).....	8-200, 23-809

Harrison, Terre Haute & I. R. Co. v. (C. C. A.).....	15-272
Hartford Fire Insurance Company v. Chicago, Milwaukee & St. Paul Railway Company (U. S.).....	16-779
Hartford & W. H. H. R. Co., Fox v. (Conn.).....	10-456
Hartwell, Louisville & N. R. Co. v. (Ky.).....	4-550
Harvey, Pullman Palace-Car Co. v. (Ga.).....	10- 77
Hasie v. Alabama & V. Ry. Co. (Miss.).....	20-551
Hassen v. Nassau Electric R. Co. (N. Y.).....	12- 1
Hastings v. Montana Union R. Co. (Mont.).....	5-533
Hathaway v. Detroit, T. & M. Ry. Co. (Mich.).....	19-714
Haug v. Great Northern Ry. Co. (N. Dak.).....	12- 25
Haun v. Rio Grande W. Ry. Co. (Utah).....	19-370
Haus v. Jefferson, M. & I. R. Co. (Ind.).....	1- 27
Hausman, Baltimore & O. S. W. Ry. Co. v. (Ky.).....	17-237
Hauss v. Lake Erie & W. R. Co. (C. C. A.)..	22-864
Haver v. Central R. Co. (N. J. App.).....	12-261
v. Central R. Co. of New Jersey (N. J.).....	17-490
Hawkins, Texas & P. R. Co. v. (Tex.).....	2-213, 380
Hayes v. Southern Pac. Co. (Utah).....	11-419
Hays, Atchison, T. & S. F. R. Co. v. (Kan. App.).....	11-654
Tacoma Ry. & Power Co. v. (C. C. A.).....	23- 58
Hayter, Gulf, C. & S. F. Ry. Co. v. (Tex.).....	18- 46
Head, Louisville & N. R. Co. v. (Ky.) ..	19-302
Hearn v. New York, P. & N. R. Co. (Md.).....	15- 54
Hebert v. Louisiana W. R. R. (La.).....	20- 87
Heck, Louisville, N. A. & C. Ry. Co. v. (Ind.).....	11-382
Hecker v. Oregon R. Co. (Ore.).....	23- 33
Heckle v. Southern Pac. Co. (Cal.).....	15-584
Hedding v. Gallagher (N. H.).....	17-192
Hedge, St. Joseph & I. R. Co. v. (Neb.)	2-220, 300, 301, 382, 387, 444
Hedges v. West Shore R. Co. (N. Y.).....	5-647
Hedin v. City & Suburban R. Co. (Ore.)..	1-265, 276, 277
Heenan v. Bridgeport Traction Co. (Conn.) ..	5-398
Heitman's Adm'r, Bergen County Traction Co. v. (N. J.).....	11-286
Hellenthal, Baltimore & O. R. Co. v. (C. C. A.).....	13-774
Heller v. Chicago & G. T. R. Co. (Mich.).....	3-599
Helm v. Louisville & N. R. Co. (Ky.).....	3-440
Helman v. Pittsburg, C. C. & St. L. Ry. Co. (Ohio).....	11-641
Helms, Baltimore Traction Co. v. (Md.).....	6-651
Hemmi v. Chicago & G. W. R. Co. (Iowa).....	8-547
Henavie v. New York Cent. & H. R. R. Co. (N. Y.).....	21- 31
Henderson v. Detroit Citizens' St. R. Co. (Mich.).....	10-812
Hendrian, Indiana, D. & W. Ry. Co. v. (Ill.).....	22-392
Hendrix v. Southern Ry. Co. (Ala.).....	23-272
Hengstler v. Flint & P. M. R. Co. (Mich.).....	20-707
Henneberry, Chicago & A. R. Co. v. (Ill.)..	1- 46
Hennen, Central Trust Co. of New York v. (C. C. A.).....	13-409
Hennessey, Chesapeake & O. R. Co. v. (C. C. A.).....	16-515
Hennington v. Georgia (U. S.).....	4-488
Henrie, Missouri Pac. R. Co. v. (Kan.).....	6-790
Henry, Atchison, Topeka & Santa Fe R. Co. v. (Kan.).....	2-418
Atchison, T. & S. F. R. Co. v. (Kan.).....	12-482
Louisville & N. R. Co. v. (Ky.).....	11-405
Herbert, Lucas v. (Ind.).....	7-729
v. Southern Pac. Co. (Cal.).....	11- 94
Herndon v. Southern R. Co. (C. C. A.).....	8-765
Western & A. R. Co. v. (Ga.).....	23-464
Woodward Iron Co. v. (Ala.).....	7-124
Hernsheim v. Newport News, etc., Co. (Ky.) ..	6-772
Hertert, Treasurer, v. Chicago, M. & St. P. Ry. Co. (Iowa).....	21-672
Hertzog, Galveston, H. & S. A. Ry. Co. v. (Tex. Civ. App.).....	12-846
Hestonville, M. & F. Pass. R. Co., City of Philadelphia v. (Pa.)..	5-659
Gilton v. (Pa.).....	1-292
Smedley v. (Pa.).....	9-649
Heumphreus v. Fremont, Elkhorn & Missouri Valley R. Co. (S. Dak.).....	2-546

Hewes, Gulf & Ship Island R. Co. <i>v.</i> (U. S.).....	23-510
Heyward <i>v.</i> Boston & A. R. Co. (Mass.).....	10-260
Hibernian Society, Lake Roland, etc., R. Co. <i>v.</i> (Md.).....	5-718
Hickey <i>v.</i> St. Paul City R. Co. (Minn.).....	1-263
Washington & G. R. Co. <i>v.</i> (D. C.).....	9-865
Hickman, H. W., Missouri, K. & T. Ry. Co. <i>v.</i> (U. S.).....	23-493
Hickman <i>v.</i> Missouri, K. & T. Ry. Co. (Mo.).....	15-375
Hicks, Atty. Gen., Askew <i>v.</i> Smith (Wis.).....	20-694
Hicks <i>v.</i> Citizens' R. Co. (Mo.).....	1-255, 262, 265, 276
<i>v.</i> Georgia S. & F. Ry. Co. (Ga.).....	14-279
<i>v.</i> Southern Ry. Co. (S. Car.).....	21-217
Higgins <i>v.</i> Southern R. Co. (Ga.).....	5-694
Higginson, Smyth, Attorney General, <i>v.</i> (U. S.).....	10- 1
Highland Ave. & B. R. Co. <i>v.</i> Birmingham Railway & Electric Co. (Ala.).....	9-502
Highland Ave. & B. R. Co. <i>v.</i> Robinson (Ala.).....	19-357
Highland Ave. & Belt R. Co. <i>v.</i> Swope (Ala.).....	13-856
Highland Ave., etc., Co. <i>v.</i> Feunell (Ala.).....	6-778
Highland, etc., R. Co. <i>v.</i> Sampson (Ala.).....	5-715, 717, 718, 719, 720
Hill, Comer <i>v.</i> (Ga.).....	11- 3
<i>v.</i> Pennsylvania R. Co. (Pa.).....	8-229
Hillary <i>v.</i> Great Northern R. Co. (Minn.).....	4- 51
Hilliard, Illinois Cent. R. Co. <i>v.</i> (Ky.).....	5-539
Hiltner, Louisville & N. R. Co. <i>v.</i> (Ky.).....	20-279
Hinchman <i>v.</i> Point Defiance R. Co. (Wash.).....	4-265
Hinds, Shreveport & R. R. Val. Ry. Co. <i>v.</i> (La.).....	13-325
Hine, Louisville & N. R. Co. <i>v.</i> (Ala.).....	14-382
Hinshaw <i>v.</i> Raleigh & A. A. L. R. Co. (N. Car.).....	3-558
Hinton <i>v.</i> Eastern Ry. Co. of Minnesota (Minn.).....	11-125
Hinz <i>v.</i> Chicago, B. & N. R. Co. (Wis.).....	3-611
Hocker, Louisville & N. R. Co. <i>v.</i> (Ky.).....	23-522
Hodgensville & E. R. Co. <i>v.</i> Com. (Ky.).....	3-656
Hodges <i>v.</i> Baltimore Union Pass. R. Co. (Md.).....	1-119
Gulf, Colorado & Santa Fe R. Co. <i>v.</i> (Tex.).....	2-274
<i>v.</i> Kimball (C. C. A.).....	19-755
<i>v.</i> Southern R. Co. (N. Car.).....	8- 46
Hoehn <i>v.</i> Chicago, P. & St. L. R. Co. (Ill.).....	2-261, 383
Hoelsel <i>v.</i> Crescent City R. Co. (La.).....	8- 40
Hoffman <i>v.</i> King (N. Y.).....	16-764
<i>v.</i> Union Pac. Ry. Co. (Kan. App.).....	13-220
Hofstetter, Baltimore Trust & Guarantee Co. <i>v.</i> (C. C. A.).....	10-783
Hogan <i>v.</i> Manhattan R. Co. (N. Y.).....	3-571
Holmark <i>v.</i> Consolidated Traction Co. (N. J.).....	9-380
Holbrook <i>v.</i> Evansville & T. H. R. Co. (Ga.).....	23-597, 598
Felton <i>v.</i> (Ky.).....	17-146
Holden, Kansas City P. & G. R. Co. <i>v.</i> (Ark.).....	16-116
Philadelphia & B. C. R. Co. <i>v.</i> (Md.).....	22-192
<i>v.</i> Rutland R. Co. (Vt.).....	21-168
Holiday, Mobile & O. R. Co. <i>v.</i> (Miss.).....	23-955
Holland, Atchison, T. & S. F. R. Co. <i>v.</i> (Kan.).....	12-476
Hollaway <i>v.</i> Sioux City & P. Ry. Co. (Iowa).....	17-363
Hollenbeck <i>v.</i> Missouri Pac. R. Co. (Mo.).....	3-350, 8-277
Holloway <i>v.</i> Sioux City & P. R. Co. (Iowa).....	10-306
Holman <i>v.</i> Union St. R. Co. of Saginaw (Mich.).....	9-105
Holmes, Alabama & V. R. Co. <i>v.</i> (Miss.).....	10-270
<i>v.</i> Illinois Cent. R. Co. (Miss.).....	10-270
Macon & I. S. Electric St. Ry. Co. <i>v.</i> (Ga.).....	12-385
Holsomback, Western & A. R. Co. <i>v.</i> (Ga.).....	19-351
Holt <i>v.</i> Chicago, etc., R. Co. (Wis.).....	7-775
Holton, Maysville & B. S. R. Co. <i>v.</i> (Ky.).....	8-336
Homestead St. R. Co. <i>v.</i> Pittsburg & H. Electric St. R. Co. (Pa.).....	1-97, 98
Hone, Consolidated Traction Co. <i>v.</i> (N. J.).....	5-679, 9-249
Honey, City of Aberdeen <i>v.</i> (Wash.).....	1-163
Hood, Pittsburg, C. & St. L. Ry. Co. <i>v.</i> (C. C. A.).....	15-648

Hood, Southern Ry. Co. <i>v.</i> (Ala.).....	19-166
Hooe, Louisville & N. R. Co. <i>v.</i> (Ky.).....	4-264
Louisville Southern R. Co. <i>v.</i> (Ky.).....	14-808
Hook <i>v.</i> Chicago & A. R. Co. (Mo.).....	3-447
<i>v.</i> Missouri Pac. Ry. Co. (Mo.)	21-787
Hooper <i>v.</i> Great Northern Ry. Co. (Minn.).....	19- 1
<i>v.</i> Southern Ry. Co. (Ga.).....	17-752
Hoover <i>v.</i> Chesapeake & O. Ry. Co. (W. Va.).....	13-573
Chicago, R. I. & P. Ry. Co. <i>v.</i> (Ind. Ter.).....	23- 73
Hopkins, Bowes <i>v.</i> (C. C. A.).....	9-641
Memphis & C. R. Co. <i>v.</i> (Ala.).....	3- 99
Hopson, Louisville, etc., R. Co. <i>v.</i> (Miss.).....	4-256
Hord <i>v.</i> Southern Ry. Co. (N. Car.).....	23-756
Hornbeck, Texas & P. R. Co. <i>v.</i> (Tex.).....	9-238
Horne, Atlanta, K. & N. Ry. Co. <i>v.</i> (Tenn.).....	19-509
Horner, Felton <i>v.</i> (Tenn.).....	8- 79
Horton <i>v.</i> Norwalk Tramway Co. (Conn.)	3-299
Hosea, Pittsburgh, C. & St. L. Ry. Co. <i>v.</i> (Ind.).....	14-692
Hoskins, Merchants' Dispatch Transp. Co. <i>v.</i> (Ky.).....	10-346, 11-832
Houchins' Adm'r, Norfolk & W. R. Co. <i>v.</i> (Va.).....	8-616
Houlihan, Indianapolis Union Ry. Co. <i>v.</i> (Ind.).....	21-915
Housatonic R. Co., Farmers' Loan & Trust Co. <i>v.</i> (N. Y.).....	9-281
House, Mobile, etc., R. Co. <i>v.</i> (Tenn.)	4-261
Houston, Cent. A. & N. R. Co. <i>v.</i> Bollong (Ark.)....	2- 18
Brashear <i>v.</i> (La.).....	2-185, 262, 293
Houston City Street R. Co. <i>v.</i> Richart (Tex.).....	1-290, 291
Houston, E. & W. T. Ry. Co. <i>v.</i> Runnels (Tex.).....	12-800
Houston & S. Ry. Co., Davis <i>v.</i> (La.)	22-751
Houston & Texas Cent. R. Co. <i>v.</i> Davis (Tex.)	2-487
<i>v.</i> Kelly (Tex.).....	3-444
Lipscomb <i>v.</i> (Tex.).....	23-401
Metropolitan Trust Co. of City of New York <i>v.</i> (Tex.)...	13-149
<i>v.</i> Nixon ('Tex.).....	3-435
<i>v.</i> O'Neal (Tex.).....	12-374
<i>v.</i> Quill (Tex.).....	12-736
<i>v.</i> Rowell (Tex.).....	11-597
<i>v.</i> Rutherford (Tex.).....	21-710
<i>v.</i> Smith (Tex.).....	2-177
<i>v.</i> State (Tex.)	3-449
Hovenden <i>v.</i> Pennsylvania R. Co. (Pa.).....	6-778
Howard, Anderson <i>v.</i> (C. C. A.).....	1-595
Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	21- 15
Chesapeake & Ohio Railway Company <i>v.</i> (U. S.).....	17-660
Clark <i>v.</i> (C. C. A.).....	13-743
Southern Ry. Co. <i>v.</i> (Ga.).....	18-758
Howell, Louisville, etc., R. Co. <i>v.</i> (Ind.).....	6-782, 786
Hoyt <i>v.</i> Cleveland, C. & St. L. R. Co. (Mich.).....	9-818
Hubbell, Crawford <i>v.</i> (N. Y.).....	13- 92
Huber <i>v.</i> Brown (Wash.).....	10-884
Huddleston, Cleveland, C. & St. L. R. Co. <i>v.</i> (Ind.).....	7-553
Huff <i>v.</i> Chesapeake & O. Ry. Co. (W. Va.).....	17-762
Huffman <i>v.</i> Mich. Cent. R. Co. (Mich.).....	5-542
St. Louis Southwestern R. Co. <i>v.</i> (Tex. Civ. App.)....	2-157, 162
Hughes, Atchison, Topeka & Santa Fe R. Co. <i>v.</i> (Kan.)....	2-248
<i>v.</i> Charleston & W. C. Ry. Co. (Ga.).....	11-541
Charleston & W. C. Ry. Co. <i>v.</i> (Ga.).....	11-541
<i>v.</i> Chicago & Alton R. Co. (Mo.).....	2-284
<i>v.</i> Louisville & N. R. Co. (Ky.).....	12-560
Huidekoper, Robinson <i>v.</i> (Ga.).....	5-216
Humble, Emma, Texas & Pacific Railway Company <i>v.</i> (U. S.)...	20-821
Humble, Texas & P. Ry. Co. <i>v.</i> (C. C. A.).....	17- 83
Humphreys <i>v.</i> Perry (U. S.).....	2-472
Hundley <i>v.</i> Louisville, N. & R. Co. (Ky.).....	12-749
Hunt & Gray, Galveston, Harrisburg & San Antonio R. Co. <i>v.</i> (Tex.).....	2-731

Hunt <i>v.</i> Hurd (C. C. A.).....	18-741
<i>v.</i> Missouri, K. & T. R. Co. (Tex.).....	2-734
Hunter <i>v.</i> Kansas City & M. R. & Bridge Co. (C. C. A.).....	10-620
<i>v.</i> Manhattan R. Co. (N. Y.).....	1-366
<i>v.</i> Montana Cent. Ry. Co. (Mont.).....	16-615
Pullman Palace-Car Co. <i>v.</i> (Ky.).....	17-204
<i>v.</i> Randolph (N. Car.).....	22- 79
Huntington <i>v.</i> Farmers' Loan & Trust Co. (C. C. A.).....	14-817
Huntress <i>v.</i> Boston, etc., R. Co. (N. H.).....	4-257, 260
Hunting Elevator Company <i>v.</i> Bosworth, Receiver of the Chi- cago, Peoria & St. Louis Railway Company, (U. S.).....	19-651
Hurd, Boston & M. R. R. <i>v.</i> (C. C. A.).....	21-674
Hunt <i>v.</i> (C. C. A.).....	18-741
Hurst <i>v.</i> Kansas City, P. & G. R. Co. (Mo.).....	21-899
St. Louis & S. F. R. Co. <i>v.</i> (Ark.).....	17-324
Hutcherson <i>v.</i> Louisville & N. R. Co. (Ky.).....	15-846
Hutcheson <i>v.</i> Louisville & N. R. Co. (Ky.).....	18-293, 21-476
Hutchinson <i>v.</i> Chicago, etc., R. Co. (S. Dak.).....	5-714
<i>v.</i> Missouri Pac. Ry. Co. (Mo.).....	20-700
Hutto <i>v.</i> South Bound R. Co. (S. Car.).....	22-724
Hyatt, Chicago B. & Q. R. Co. <i>v.</i> (Neb.).....	4- 44
Fort Worth & D. C. R. Co. <i>v.</i> (Tex.).....	3-397
Southern Pac. Co. <i>v.</i> (Cal.).....	20-576
Hygienic Plate-Ice Mfg. Co. <i>v.</i> Raleigh & Augusta Air-Line R. Co. (N. Car.).....	18- 78
Iaquina <i>v.</i> Citizens' Traction Co. (Pa.).....	1-276
<i>v.</i> Traction Co. (Pa.).....	5-717
Ihlenberg, Illinois Cent. R. Co. <i>v.</i> (C. C. A.).....	5-573
Illinois Cent. R. Co. <i>v.</i> Abernathy (Tenn.).....	22-206
<i>v.</i> Arnola (Miss.).....	20-945
<i>v.</i> Ashline (Ill.).....	9-702
<i>v.</i> Beebe (Ill.).....	11-163
<i>v.</i> Bentz (C. C. A.).....	18-540
<i>v.</i> Billington (Ky.).....	2-109
Blank <i>v.</i> (Ill.).....	16- 6
<i>v.</i> Bogard (Miss.).....	18-410
<i>v.</i> Bolton (Tenn.).....	9-868
Brown <i>v.</i> (Ky.).....	6-772
<i>v.</i> Brown (Ky.).....	16-827
<i>v.</i> Brown (Miss.).....	19-681
<i>v.</i> Carter (Ill.).....	8-485
<i>v.</i> City of Chicago (Ill.).....	3-181
<i>v.</i> City of Kankakee (Ill.).....	6-417
<i>v.</i> Coleman (Ky.).....	19-285
<i>v.</i> Commonwealth (Ky.).....	22-356, 23-326
<i>v.</i> Crockert (Miss.).....	21-246
<i>v.</i> Davidson (C. C. A.).....	2-265, 7-715
<i>v.</i> Davis (Tenn.).....	18-708
<i>v.</i> Foulks (Ill.).....	23-664
Freeman <i>v.</i> (Tenn.).....	22- 49
Gage <i>v.</i> (Miss.).....	8-377
Grieve <i>v.</i> (Iowa).....	9-669
<i>v.</i> Griffin (Ill.).....	17-767
<i>v.</i> Gross (Miss.).....	10-356
Gumbel <i>v.</i> (La.).....	4-452
Hanlon <i>v.</i> (Iowa).....	16-101
<i>v.</i> Harris (Miss.).....	21-119
<i>v.</i> Hilliard (Ky.).....	5-539
Holmes <i>v.</i> (Miss.).....	10-270
<i>v.</i> Ihlenberg (C. C. A.).....	5-573
<i>v.</i> Jackson (Ky.).....	23-677
Jones <i>v.</i> (Miss.).....	14-839
<i>v.</i> Jones (C. C. A.).....	15- 16
<i>v.</i> Josey (Ky.).....	20-869
Keatley <i>v.</i> (Iowa).....	9- 1

Illinois Cent. R. Co. <i>v.</i> King (Ill.).....	13-829
<i>v.</i> Kuhn (Tenn.).....	22-324
<i>v.</i> Le Blanc (Miss.).....	11-838, 12-877
McDonald <i>v.</i> (Ill.).....	20-309
McDonnell <i>v.</i> (Iowa).....	11-534
McVey <i>v.</i> (Miss.).....	3-371
Meyer <i>v.</i> (Ill.).....	12-694
Meyers <i>v.</i> (La.).....	6-786
<i>v.</i> Mizell (Ky.).....	6-337
<i>v.</i> Nall (Ky.).....	16-828
Newberger Cotton Co. <i>v.</i> (Miss.).....	10-334
<i>v.</i> O'Connell (Ill.).....	4-260
<i>v.</i> O'Connor (Ill.).....	20-816
<i>v.</i> O'Keefe (Ill.).....	9-611
<i>v.</i> Radford (Ky.).....	23-124
Rothars <i>v.</i> (Miss.).....	15-185
<i>v.</i> Sanders (Ill.).....	11-861
<i>v.</i> Southern Seating & Cabinet Co. (Tenn.).....	18-276
<i>v.</i> State (Miss).....	1- 68
<i>v.</i> State of Illinois, Butler (U. S.).....	4-354
<i>v.</i> Stewart (Ky.).....	21-874
<i>v.</i> Swisher (Ill.).....	16-421
<i>v.</i> Thomas (Miss.).....	10-846
<i>v.</i> Tilman (Tenn.).....	7-735
<i>v.</i> Town of Normal (Ill.).....	13-367
Ward <i>v.</i> (Ky.).....	18-689
<i>v.</i> West (Ky.).....	21-239
<i>v.</i> Wilson (Ky.).....	21-644
Winston <i>v.</i> (Ky.).....	23-454
Inabnett <i>v.</i> St. Louis, I. M. & S. Ry. Co. (Ark.).....	20-590
Indiana, D. & W. Ry. Co. <i>v.</i> Hendrian (Ill.).....	22-392
Indiana Horseshoe Co., Pittsburg, C. & St. L. Ry. Co. <i>v.</i> (Ind.)..	18- 83
Indiana, I. & I. R. Co. <i>v.</i> Bundy (Ind.).....	14-660
Indianapolis St. Ry. Co. <i>v.</i> Robinson (Ind.).....	23-181, 628
Indianapolis Union Ry. Co. <i>v.</i> Dohn (Ind.).....	14-543
<i>v.</i> Houlihan (Ind.).....	21-915
Ingram, Maysville & B. S. R. Co. <i>v.</i> (Ky.).....	1- 64
Inhabitants of East Orange, Newark Pass. R. Co. <i>v.</i> (N. J.).....	1-220
Inhabitants of Wayland <i>v.</i> County Com'rs of Middlesex (Mass.)..	5-705
Inhabitants of Worcester <i>v.</i> Western R. Corp. (Mass.).....	5-705
Inness <i>v.</i> Boston, R. B. & L. R. Co. (Mass.).....	9-819
In re American Transp. & Nav. Co. (N. J.).....	3- 26
City of Buffalo (N. Y.).....	22-502
Erie R. Co. (N. J.).....	21-695
Grade Crossing Com'rs of City of Buffalo (N. Y.).....	21-746
Jersey City & B. Ry. Co. (N. J.).....	23-281
Jones (N. Y.).....	1-349
Lloyd & Railway Act (Eng.).....	5-698
Long Island R. Co. (N. Y.).....	3- 25
Lord Gerard & London & Northwestern R. Co. (Eng.)...	1-717
Mayo's Estate (S. Car.).....	21- 99
Metropolitan El. R. Co. (N. Y.).....	1-349
Milford & M. R. R. (N. H.).....	15-818
Minneapolis & St. L. R. Co. <i>v.</i> Nicolin (Minn.).....	13-445
Opinion of the Justices (N. H.).....	3-447
Pennsylvania R. Co. (N. J.).....	22-178
Railroad Crossing in Town of Old Orchard (Me.).....	10-870
Rhode Island Locomotive Works (Ohio).....	18-397
Shelton St. R. Co. (Conn.).....	9-186
Southern Boulevard R. Co. (N. Y.).....	3-169
West Shore & O. Terminal Co. (N. J.).....	22-178
Inter-County St. R. Co., Lehigh Coal & N. Co. <i>v.</i> (Pa.).....	1-198, 286
Thomas <i>v.</i> (Pa.).....	1-169
International & G. N. R. Co. <i>v.</i> Best (Tex.).....	17-153
Branch <i>v.</i> (Tex.).....	12-378

International & G. N. R. Co. <i>v.</i> Gieselman (Tex.)	3-446
<i>v.</i> Lee (Tex.)	3-434, 441
<i>v.</i> Mulliken (Tex.)	2-224, 387, 444
<i>v.</i> Satterwhite (Tex. Civ. App.)	12-214
<i>v.</i> Yarborough (Tex. App.)	7-733
International Trust Co. <i>v.</i> T. B. Townsend Brick & Contracting Co. (C. C. A.)	15-310
Interstate Commerce Commission <i>v.</i> Alabama Midland R. Co. (C. C. A.)	3-638
<i>v.</i> Atchison, T. & S. F. R. Co. (C. C. A.)	5-703
<i>v.</i> Bellaire, etc., R. Co. (U. S.)	7-768
Cincinnati, N. O. & T. P. R. Co. <i>v.</i> (U. S.)	4-223
<i>v.</i> Cincinnati, N. O. & T. P. R. Co. (U. S.)	4-223, 673
<i>v.</i> Cincinnati, N. O. & T. P. R. Co. (C. C. A.)	5-703
<i>v.</i> Clyde S. S. Co. (C. C. A.)	13-298
<i>v.</i> Clyde Steamship Company (U. S.)	20-751
Detroit, etc., R. Co. <i>v.</i> (C. C. A.)	5-700, 701, 702
East Tennessee, Virginia & Georgia Railway Company <i>v.</i> (U. S.)	20-729
<i>v.</i> Lehigh Valley R. Co. (Pa.)	5-702, 704
<i>v.</i> Northeastern R. Co. (S. Car.)	4-235
Texas Pac. R. Co. <i>v.</i> (U. S.)	5-86
<i>v.</i> Western & Atlantic Railroad Company (U. S.)	20-751
<i>v.</i> Western & A. R. Co. (C. C. A.)	13-298
Intoxicating Liquors, State <i>v.</i> (Me.)	20-511
Ionnone <i>v.</i> New York, N. H. & H. R. Co. (R. I.)	16-359
Iowa Cent. Ry. Co., Bach <i>v.</i> (Iowa)	20-161
Dairy <i>v.</i> (Iowa)	21-743
Enix <i>v.</i> (Iowa)	23-54
Wimber <i>v.</i> (Iowa)	23-476
Ireton, Atchison, T. & S. F. Ry. Co. <i>v.</i> (Kan.)	23-843
Irwin, Atlanta, etc., R. Co. <i>v.</i> (Ga.)	8-768
Iseman <i>v.</i> South Carolina & G. R. Co. (S. Car.)	11-219
Isley, Consolidated Traction Co. <i>v.</i> (N. J.)	5-457
Jackson <i>v.</i> Alabama & V. Ry. Co. (Miss.)	14-392
Cincinnati, N. O. & T. P. R. Co. <i>v.</i> (Ky.)	23-216
<i>v.</i> Consolidated Traction Co. (N. J.)	5-697
<i>v.</i> Galveston, H. & S. A. R. Co. (Tex.)	8-236
Illinois Cent. R. Co. <i>v.</i> (Ky.)	23-677
<i>v.</i> Kansas City, Ft. S. & M. R. Co. (Mo.)	19-99
Louisville & N. R. Co. <i>v.</i> (Ky.)	4-437
<i>v.</i> Norfolk & Western R. Co. (W. Va.)	6-455
<i>v.</i> St. Louis S. W. Ry. Co. (La.)	18-444
Jackson County, Oregon & C. R. Co. <i>v.</i> (Ore.)	22-98
Jackson Electric Ry., Light & Power Co. <i>v.</i> Lowry (Miss.)	23-103
Jackson L. & S. R. Co., State <i>v.</i> (C. C. A.)	1-597
Jackson & S. St. R. R. <i>v.</i> Simmons (Tenn.)	23-236
Western & A. R. Co. <i>v.</i> (Ga.)	21-296
Jacksonville Terminal Co., State, Lamar, Atty. Gen., <i>v.</i> (Fla.)	16-727
Jacksonville, T. & K. W. R. Co. <i>v.</i> Adams (Fla.)	3-25, 27, 28, 29, 30
Griffin <i>v.</i> (Fla.)	1-64
Savannah, F. & W. R. Co. <i>v.</i> (C. C. A.)	9-582
Jacob <i>v.</i> Flint & P. M. R. Co. (Mich.)	2-258, 260, 301, 383
Jacobson, Wisconsin, Minnesota & Pacific Railway Company <i>v.</i> (U. S.)	19-634
Jacobson <i>v.</i> Wisconsin, M. & P. R. Co. (Minn.)	13-228
Jagger <i>v.</i> People's St. R. Co. (Pa.)	8-771
Jamestown & N. R. Co. <i>v.</i> Jones (N. Dak.)	11-879
Jamesville & Washington R. Co., Hansley <i>v.</i> (N. Car.)	2-26
Jamison, Missouri, K. & T. R. Co. <i>v.</i> (Tex.)	3-442
Jarvis, East St. Louis Connecting Ry. Co. <i>v.</i> (C. C. A.)	15-459
<i>v.</i> Flint & P. M. R. Co. (Mich.)	22-312
Jefferson Ave. R. Co., Sullivan <i>v.</i> (Mo.)	3-432
Jefferson & L. P. Ry. Co., Orleans & J. Ry. Co. <i>v.</i> (La.)	16-699
Jefferson M. & I. R. Co., Haus <i>v.</i> (Ind.)	1-27

Jeffries <i>v.</i> Seaboard A. L. R. Co. (N. Car.).....	23-339
Jeffris <i>v.</i> Fitchburg R. Co. (Wis.).....	4-608
Jennings, Chicago & E. I. R. Co. <i>v.</i> (Ill.).....	22-127
Jenson <i>v.</i> Great Northern Ry. Co. (Minn.).....	11-253
Jersey City & B. Ry. Co., <i>In re</i> (N. J.).....	23-281
Jersey City, etc., R. Co., Buttelli <i>v.</i> (N. J.).....	7-784, 785
J. J. Douglas Co. <i>v.</i> Minnesota Transfer R. Co. (Minn.).....	2-671
Johnson <i>v.</i> Boston & M. R. Co. (Vt.).....	10-374
<i>v.</i> Charleston & S. Ry. Co. (S. Car.).....	12-761, 18-556
Chattanooga Electric R. Co. <i>v.</i> (Tenn.).....	8-758
<i>v.</i> Chicago, St. P., M. & O. Ry. Co. (Iowa).....	15-683
Corinne Mill, Canal & Stock Co. <i>v.</i> (U. S.).....	1-593
<i>v.</i> Georgia Railroad & Banking Co. (Ga.).....	16- 89
Georgia R. Co. <i>v.</i> (Ga.).....	21-840
<i>v.</i> Great Northern Ry. Co. (N. Dak.).....	11- 76
Gulf, C. & S. F. Ry. Co. <i>v.</i> (Tex.).....	11-291, 14-82, 15-694
<i>v.</i> Louisville & N. R. Co. (Ala.).....	2-213, 300
Louisville & N. R. Co. <i>v.</i> (Ky.).....	6-729
Metropolitan St. R. Co. <i>v.</i> (Ga.).....	1-267
<i>v.</i> Miller (Pa.).....	3-657
Missouri, K. & T. Ry. Co. <i>v.</i> (Tex.).....	12-824
<i>v.</i> Old Colony R. Co. (R. I.).....	1- 64
<i>v.</i> Railroad Co. (Pa.).....	2-259
<i>v.</i> Reading City Pass. R. Co. (Pa.).....	1-255, 264, 275
<i>v.</i> Rio Grande W. Ry. Co. (Utah).....	13-691
<i>v.</i> Southern Ry. Co. (S. Car.).....	12-272
Southern Ry. Co. <i>v.</i> (Ga.).....	23-840
<i>v.</i> Stewart (Ark.).....	3-651
Texas & P. R. Co. <i>v.</i> (Tex.).....	3-439
Texas & P. R. Co. <i>v.</i> (Tenn.).....	4-441
<i>v.</i> Western N. Y. & P. Ry. Co. (Pa.).....	22-309
Johnston, Alabama G. S. R. Co. <i>v.</i> (Ala.).....	20-909
Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	12-286
Union Pac. R. Co. <i>v.</i> (Neb.).....	2-601
Jolliffe <i>v.</i> Brown (Wash.).....	3-254
Jones, Alabama Mineral R. Co. <i>v.</i> (Ala.).....	8-383
Alabama Min. R. Co. <i>v.</i> (Ala.).....	15-752
<i>v.</i> Boston & M. R. R. Co. (Mass.).....	2- 17
<i>v.</i> Charleston & W. C. Ry. Co. (S. Car.).....	23-261
<i>v.</i> Erie & Pennsylvania R. Co. (Pa.).....	3- 18
<i>v.</i> Flint & P. M. R. Co. (Mich.).....	21-904
Gulf, etc., R. Co. <i>v.</i> (Ind. Ter.).....	5-693, 695
<i>v.</i> Illinois Cent. R. Co. (Miss.).....	14-839
Illinois Cent. R. Co. <i>v.</i> (C. C. A.).....	15- 16
<i>In re</i> (N. Y.).....	1-349
Jamestown & N. R. Co. <i>v.</i> (N. Dak.).....	11-879
Louisville & N. R. Co. <i>v.</i> (Ala.).....	23-224
Mexican Cent. Ry. Co. <i>v.</i> (C. C. A.).....	21-200
<i>v.</i> New York Cent. & H. R. R. Co. (N. Y.).....	11-185
<i>v.</i> New York, N. H. & H. R. Co. (R. I.).....	11-414
New York, P. & N. R. Co. <i>v.</i> (Md.).....	23-528
<i>v.</i> Oregon Short-Line R. Co. (Idaho).....	14- 26
Owen <i>v.</i> (C. C. A.).....	17-548
Pennsylvania R. Co. <i>v.</i> (U. S.).....	2-389
<i>v.</i> St. Paul, etc., R. Co. (Wash.).....	6-789
<i>v.</i> Texas & P. R. Co. (La.).....	2-382
<i>v.</i> Van Bochove (Mich.).....	1-664
Joost <i>v.</i> Bennett (Cal.).....	15-252
Joplin & W. R. Co. <i>v.</i> Kansas City, Ft. S. & M. R. Co. (Mo.).....	8-165
Jordan <i>v.</i> New York, N. H. & H. R. Co. (Mass.).....	3-435, 436
St. Louis, I. M. & S. Ry. Co. <i>v.</i> (Ark.).....	13-681
Joseph, Central of Georgia Ry. Co. <i>v.</i> (Ala.).....	18-659
Josey, Illinois Cent. R. Co. <i>v.</i> (Ky.).....	20-869
Judd <i>v.</i> Chesapeake & O. Ry. Co. (Ky.).....	11-517
Judice <i>v.</i> Southern Pac. R. Co. (La.).....	2-185

Judson <i>v.</i> Central Vermont R. Co. (N. Y.).....	15- 7
Julius <i>v.</i> Pittsburgh, A. & M. Traction Co. (Pa.).....	9-523
Kahn <i>v.</i> Atlantic & N. C. R. Co. (N. Car.).....	2-474
Kalfur <i>v.</i> Broadway Ferry & M. Ave. R. Co. (N. Y.).....	12-850
Kallmerten <i>v.</i> Cowen (C. C. A.).....	23-352
Kanawha Dispatch, Courteen <i>v.</i> (Wis.).....	21-425
Kanawha & M. R. Co., Douglass <i>v.</i> (W. Va.).....	10-883
Kanawha, etc., R. Co., Blankenship <i>v.</i> (W. Va.).....	8-768
Kansas & A. V. R. Co. <i>v.</i> Ayers (Ark.).....	6-628
Kansas & C. P. R. Co., Phipps <i>v.</i> (Kan.).....	7-247
Kansas, etc., R. Co., Curry <i>v.</i> (Kan.).....	8-755, 763
<i>v.</i> King (Ark.).....	7-780
<i>v.</i> Phipps (Kan. App.).....	5-698, 699
Kansas City & A. R. Co., Harrelson <i>v.</i> (Mo.)	16-848
Kansas City, C. & S. Ry. Co., Goodrich <i>v.</i> (Mo.).....	19-137
Kansas City El. R. Co., Barth <i>v.</i> (Mo.).....	10-281
Kansas City, Ft. S. & M. R. Co. <i>v.</i> Becker (Ark.).....	16-348
Jackson <i>v.</i> (Mo.).....	19- 99
Joplin & W. R. Co. <i>v.</i> (Mo.).....	8-165
<i>v.</i> King (Ark.).....	14- 44
Lumberman's Mut. Ins. Co. <i>v.</i> (Mo.).....	14-127
Matheson <i>v.</i> (Kan.)	17-738
Moore <i>v.</i> (Mo.).....	12-580
<i>v.</i> Sharp (Ark.).....	7-710
<i>v.</i> Sokol (Ark.).....	2-148
Kansas City & I. R. Co., McDonald <i>v.</i> (Mo.).....	2-258, 262
Kansas City & I. R. T. Co., Dickey <i>v.</i> (Mo.).....	1-710
Dougherty <i>v.</i> (Mo.).....	2-281
Moore <i>v.</i> (Mo.).....	1-254
Kansas City, M. & B. R. Co., Broslin <i>v.</i> (Ala.).....	9- 99
Cantrell <i>v.</i> (Miss.).....	14- 30
Lusby <i>v.</i> (Miss.).....	3-447
St. Clair <i>v.</i> (Miss.).....	20-426
<i>v.</i> Southern Railway News Co. (Mo.)	14-528
Kansas City & M. Railway & Bridge Co., Hunter <i>v.</i> (C. C. A.)...	10-620
Kansas City & N. C. R. Co. <i>v.</i> Shoemaker (Mo.).....	20-496
Kansas City & O. R. Co. <i>v.</i> Rogers (Neb.)	4-617
Kansas City & S. W. Ry. Co. <i>v.</i> Fisher (Kan.).....	3- 11
Kansas City, O. & S. Ry. Co., Scarritt <i>v.</i> (Mo.)	15-809
Kansas City, P. & G. Ry. Co. <i>v.</i> Barnett (Ark.).....	22- 81
<i>v.</i> Board of Waterworks Imp. Dist. No. 1 (Ark.).....	20-265
Dorsey <i>v.</i> (La.).....	20- 67
<i>v.</i> Holden (Ark.).....	16-116
Hurst <i>v.</i> (Mo.)... ..	21-899
<i>v.</i> Pace (Ark.)	21-433
<i>v.</i> Parker (Ark.).....	22-441
<i>v.</i> Williams (Ind. Ter.)....	19-361
Kansas City R. Co. <i>v.</i> Whitehead (Ala.).....	4-262
Kansas City, St. J. & C. B. R. Co., Kellerman <i>v.</i> (Mo.).....	3-290
Kansas City S. B. Ry. Co. <i>v.</i> McElroy (Mo.).....	22-397
Union Elevator Co. <i>v.</i> (Mo.).....	3-130, 165, 167
Kansas City, S. & G. Ry. Co., State, Smart <i>v.</i> (La.).....	14-461
<i>v.</i> Vicksburg, S. & P. R. Co. (La.).....	6-212
Kansas City, S. & M. R. Co., Musick <i>v.</i> (Mo.).....	3- 28
Kansas City S. Ry. Co. <i>v.</i> Board of Railroad Com'rs of Arkansas (Ark.).....	21-178
Gaulden <i>v.</i> (La.).....	23-909
Kansas City, W. & N. W. R. Co. <i>v.</i> Way (Kan.).....	13-363
Kansas City, etc., R. Co. <i>v.</i> Becker (Ark.).....	8-758, 759
Haley <i>v.</i> (Ala.).....	7-770, 780
<i>v.</i> Lackey (Ala.).....	7-769, 772, 777
<i>v.</i> McGahey (Ark.).....	7-767
Kansas Farmers' Ins Co., Atchison, T. & S. F. R. Co. <i>v.</i> (Kan. App.).....	11-847
Kansas & T. Coal Ry. Co. <i>v.</i> Northwestern Coal & Mining Co. (Mo.).....	20-593

Kase, Danville, H. & W. R. Co. v. (Pa.).....	10-869
Kasischke, Great Northern Ry. Co. v. (C. C. A.).....	19-406
Kates v. Atlanta Baggage & Cab Co. (Ga.).....	16-140
v. Pullman Palace Car Co. (Ga.).....	2-480
Kaufman v. Tacoma, O. & G. H. R. Co. (Wash.).....	1-169, 170, 171
Kavanaugh v. Atchison, T. & S. F. Ry. Co. (Mo.).....	21-755
Central of Georgia Ry. Co. v. (C. C. A.).....	13-119
Kay v. Glade Creek & R. R. Co. (W. Va.).....	17-695
Keary, Commonwealth v. (Pa.).....	20-471
Keating v. Detroit, B. C. & A. R. Co. (Mich.).....	2-222, 382, 386
Georgia Railroad & Banking Co. v. (Ga.).....	5-331
Keatley v. Illinois Cent. R. Co. (Iowa).....	9- 1
Keefer, Louisville N. A. & C. R. Co. v. (Ind.).....	5- 26
Keegan, Valley Ry. Co. v. (C. C. A.).....	11-507
Keeny, Atlanta Consolidated St. R. Co. v. (Ga.).....	5-305
Keilbach v. Chicago, M. & St. P. Ry. Co. (N. Dak.).....	14- 28
Keist v. Chicago G. W. Ry. Co. (Iowa).....	16-297
Keith, Louisville & N. R. Co. v. (Ky.).....	19-180
Keller v. Baltimore, etc., R. Co. (Pa.).....	4-263
Keller v. Baltimore & O. R. Co. (Pa.).....	19-197
v. Harrisburg & P. R. Co. (Pa.).....	3-130
Louisville & N. R. Co. v. (Ky.).....	12- 89
Kellerman v. Kansas City, St. J. & C. B. R. Co. (Mo.).....	3-290
Kellogg v. Smith (Mass.).....	23- 80
Kelley, Chesapeake & O. Ry. Co. v. (Ky.).....	13-568
Kelly, Chicago & A. R. Co. v. (Ill.).....	17- 52
Ex parte (Eng.).....	5-698
Gulf, C. & S. F. R. Co. v. (Tex.).....	3-439
Houston & T. C. R. Co. v. (Tex.).....	3-444
Louisville & N. R. Co. v. (Ky.).....	7-165
New York, N. H. & H. R. Co. v. (C. C. A.).....	13-816
v. Wakefield & S. St. Ry. Co. (Mass.).....	23- 67
Kelsey, Lake Shore & M. S. Ry. Co. v. (Ill.).....	16- 82
Kendrick, Missouri, K. & T. R. Co. of Texas v. (Tex.).....	2-179
Kennedy-Cahill, West Chicago St. R. Co. v. (Ill.).....	6-794
Kennedy v. Detroit R. Co. (Mich.).....	3-430
Metropolitan St. R. Co. v. (C. C. A.).....	9-509
v. Southern Ry. Co. (S. Car.).....	21-121
Kennelly, West Chicago St. R. Co. v. (Ill.).....	9-359
Kenneson v. West End St. R. Co. (Mass.).....	9-445
Kent v. Yazoo & M. V. R. Co. (Miss.).....	21-332
Kentucky Cent. R. Co., Bacon v. (Ky.).....	1-718
v. Biddle (Ky.).....	3-656
Kentucky & I. Bridge Co., Willis v. (Ky.).....	11-324
Kentucky, Louisville & Nashville R. Co. v. (U. S.).....	3-525
Kentucky Wagon Manufacturing Co. v. Ohio & Mississippi R. Co. (Ky.).....	2-722
Kenwood, Pennsylvania Co. v. (Ill.).....	9-557
Kepner v. Harrisburg Traction Co. (Pa.).....	8-493
Kerner v. Baltimore & O. S. W. R. Co. (Ind.).....	9-328
Kernochan, Cleveland, etc., R. Co. v. (Ohio).....	7-774
v. New York El. R. Co. (N. Y.).....	1-378
Kerr v. Georgia R. Co. (Ga.).....	14-837
Kerrigan v. Pennsylvania R. Co. (Pa.).....	16-835
Ketterman v. Dry Fork R. Co. (W. Va.).....	19-445
Keyes, Chicago, M. & St. P. Ry. Co. v. (N. Dak.).....	13-128
Great Northern Ry. Co. v. (N. Dak.).....	13-128
Northern Pac. Ry. Co. v. (N. Dak.).....	13-128
Kice, Louisville & N. R. Co. v. (Ky.).....	20- 44
Kidder v. Fitchburg R. Co. (Mass.).....	3-453
Kieff, Galveston, H. & S. A. Ry. Co. v. (Tex.).....	20-238
Kiel, Daly v. (La.).....	22-320
Kierzenkowski v. Philadelphia Traction Co. (Pa.).....	9-533
Killian v. Georgia R., etc., Co. (Ga.).....	5-694, 695, 709
v. Southern Ry. Co. (N. Car.).....	22-639

Kilpatrick <i>v.</i> Choctaw, O. & G. R. Co. (Ind. Ter.).....	23-244
<i>v.</i> Grand Trunk Ry. Co. (Vt.).....	20-300
St. Louis & S. F. R. Co. <i>v.</i> (Ark.).....	17-212
Kimball <i>v.</i> Borden (Va.)	15-519
Flippin <i>v.</i> (C. C. A.).....	11-256
<i>v.</i> Friend (Va.).....	8-451
Hodges <i>v.</i> (C. C. A.).....	19-755
Kincade <i>v.</i> Chicago, M. & St. P. Ry. Co. (Iowa).....	14-559
King, Chesapeake & O. Ry. Co. <i>v.</i> (C. C. A.).....	17-167
<i>v.</i> Chicago & N. W. Ry. Co. (Iowa).....	14-659
Hoffman <i>v.</i> (N. Y.).....	16-764
Illinois Cent. R. Co. <i>v.</i> (Ill.).....	13-829
Kansas City, Ft. S. & M. Ry. Co. <i>v.</i> (Ark.).....	14-44
Kansas City, etc., R. Co. <i>v.</i> (Ark.).....	7-789
Miller <i>v.</i> (N. Y.)	21-376
<i>v.</i> Norfolk & W. Ry. Co. (Va.).....	23-701
Kingman, Louisville & N. R. Co. <i>v.</i> (Ky.).....	5-401
Kingsbury <i>v.</i> Missouri, K. & T. Ry. Co. (Mo.).....	19-719
Kingsley, Wabash R. Co. <i>v.</i> (Ill.).....	13-835
Kingston City R. Co., Colonial City Traction Co. <i>v.</i> (N. Y.)	9-506, 10-327
Kingston <i>v.</i> Ft. Wayne & E. R. Co. (Mich.)....	9-259
Kinnare, Chicago, R. I. & P. Ry. Co. <i>v.</i> (Ill.).....	21-328
Walker <i>v.</i> (U. S.).....	6-63
Kinney <i>v.</i> Louisville & N. R. Co. (Ky.).....	3-652
Kirby, Baltimore, C. & A. Ry. Co. <i>v.</i> (Md.).....	18-248
Kird <i>v.</i> New Orleans & N. W. R. Co. (La.).....	20-930
Kirk <i>v.</i> Norfolk & W. R. Co. (W. Va.).....	4-105
Kirkham, Missouri, K. & T. Ry. Co. <i>v.</i> (Kan.).....	21-845
Kishlar <i>v.</i> Southern Pac. R. Co. (Cal.).....	23-948
Kittel <i>v.</i> Augusta, T. & G. R. Co. (N. Y.).....	11-876
Kizer <i>v.</i> Texarkana & Ft. S. Ry. Co. (Ark.).....	13-288
Klinkler <i>v.</i> Wheeling Steel, etc., Co. (W. Va.).....	8-764
Knapp, Chicago & E. I. R. Co. <i>v.</i> (Ill.).....	14-828
<i>v.</i> Chicago & W. M. Ry. Co. (Mich.).....	13-857
Knight, State (Pennsylvania R. Co., Prosecutor) <i>v.</i> (N. J.)....	3-374
Knoth, Consolidated Traction Co. <i>v.</i> (N. J.).....	10-844
Knot <i>v.</i> Southern Ry. Co. (Tenn.).....	12-684
Knowles, Central Ry. Co. <i>v.</i> (Ill.).....	22-795
<i>v.</i> Pennsylvania R. Co. (Pa.).....	6-781
Knowlton <i>v.</i> New York, N. H. & H. R. Co. (Conn.).....	16-573
Knopf <i>v.</i> Philadelphia, W. & B. R. Co. (Del.).....	20-172
Kobs, Chesapeake & O. R. Co. <i>v.</i> (Ky.).....	1-61, 64
Kolb <i>v.</i> Union R. Co. (R. I.).....	21-811
Konold <i>v.</i> Rio Grande W. Ry. Co. (Utah).....	17-450
Koontz, Wheeling & L. E. R. Co. <i>v.</i> (Ohio).....	16-827
Koralewski <i>v.</i> Great Northern Ry. Co. (Minn.)	23-918
Kowalski <i>v.</i> Chicago G. W. Ry. Co. (Iowa).....	23-32
Kramer <i>v.</i> Southern Ry. Co. (N. Car.).....	20-329
Krantz <i>v.</i> Rio Grande Western R. Co. (Utah).....	2-432
Kraut <i>v.</i> Frankford S. P. C. Pass. R. Co. (Pa.).....	1-292
Krayenbuhl, Omaha & R. V. R. Co. <i>v.</i> (Neb.).....	4-483
Kreager, Baltimore & O. R. Co. <i>v.</i> (Ohio).....	18-99
Kreuzer <i>v.</i> Great Northern Ry. Co. (Minn.).....	21-912
<i>v.</i> Pittsburgh, C., C. & St. L. Ry. Co. (Ind.).....	12-343
Kuhn, Alabama & V. Ry. Co. <i>v.</i> (Miss.).....	19-466
Illinois Cent. R. Co. <i>v.</i> (Tenn.).....	22-324
Kushequa R. Co. <i>v.</i> Pittsburgh, S. & N. R. Co. (Pa.).....	23-160
Lacey, Washington Southern R. Co. <i>v.</i> (Va.).....	6-778, 779, 782
Lackawanna Iron & Coal Company <i>v.</i> Farmers' Loan & Trust	
Company (U. S.).....	17-561
Lackey, Kansas City, etc., R. Co. <i>v.</i> (Ala.).....	7-769, 772, 777
La Crosse City R. Co., Cawley <i>v.</i> (Wis.).....	12-453
Thoresen <i>v.</i> (Wis.).....	6-101, 1-259, 261, 274
Laethem <i>v.</i> Ft. Wayne & B. I. R. Co. (Mich.).....	1-259, 274

<i>Laib v. Pennsylvania R. Co. (Pa.)</i>	8-150
<i>Laird, Atlantic & P. R. Co. v. (U. S.)</i>	8-365
<i>v. Chicago, etc., R. Co. (Iowa)</i>	7-772, 776
<i>v. Pittsburg Traction Co. (Pa.)</i>	2-161
<i>Lake Erie & W. R. Co., Berry v. (Ind.)</i>	3-654
<i>v. Commissioners of Hancock County (Ohio)</i>	18-765
<i>Evans v. (Ind.)</i>	10-837
<i>v. Falk (Ohio)</i>	17-751, 18- 99
<i>Hauss v. (C. C. A.)</i>	22-864
<i>Hosea B. Tullis v. (U. S.)</i>	16-462
<i>v. Morrissey (Ill.)</i>	12-624
<i>Tullis v. (C. C. A.)</i>	20-335
<i>v. Wilson (Ill.)</i>	20-164
<i>Lake Erie, etc., R. Co. v. Weisel (Ohio)</i>	5-714
<i>Lake Roland Elevated R. Co., Birch v. (Md.)</i>	5-640
<i>Garrett v. (Md.)</i>	1-385
<i>v. McKewen (Md.)</i>	1-260
<i>v. Webster (Md.)</i>	1-360
<i>Lake Roland, etc., R. Co. v. Hibernian Society (Md.)</i>	5-718
<i>Lake Shore & M. S. Ry. Co., Allen v. (Ohio)</i>	9- 25
<i>v. Andrews (Ohio)</i>	12-545
<i>v. Baltimore & Ohio & Chicago R. Co. (Ill.)</i>	3- 57
<i>Bond v. (Mich.)</i>	12-447, 23-156
<i>Chamberlain v. (Mich.)</i>	17-241
<i>v. Chicago (Ill.)</i>	3-188
<i>v. Conway (Ill.)</i>	11- 7
<i>Dolson v. (Mich.)</i>	23-387
<i>v. Ehlert (Ohio)</i>	19-731
<i>Fluhrer v. (Mich.)</i>	17-463, 18-153
<i>Fuller v. (Mich.)</i>	3-589
<i>Gavigan v. (Mich.)</i>	5-523
<i>v. Kelsey (Ill.)</i>	16- 82
<i>Law v. (Mich.)</i>	15- 95
<i>Mann v. (Mich.)</i>	21-325
<i>v. National Live-Stock Bank (Ill.)</i>	13- 1
<i>v. Peterson (Ind.)</i>	3-427
<i>Pfaffenback v. (Ind.)</i>	2-318
<i>Smith v. (Mich.)</i>	8-496
<i>v. Smith (U. S.)</i>	14-511
<i>Stahl v. (Mich.)</i>	11- 90
<i>v. State of Ohio, Lawrence (U. S.)</i>	16- 26
<i>Voorhees v. (Pa.)</i>	16-316
<i>Lake Shore, etc., R. Co., Mathews v. (Mich.)</i>	6-791
<i>Walker v. (Mich.)</i>	6-779
<i>Lake St. El. R. Co., Doane v. (Ill.)</i>	7-781, 782
<i>v. Ziegler (C. C. A.)</i>	23- 1
<i>Lake Superior Ship Canal R. & Iron Co. v. Cunningham (U. S.)</i> ..	1-564
<i>Lambertson, Consolidated Traction Co. v. (N. J.)</i>	6-793
<i>v. Consolidated Traction Co. (N. J.)</i>	9-355, 10-753
<i>Lamkin, Alabama & V. Ry. Co. v. (Miss.)</i>	21-867
<i>Lamoureux v. New York, N. H. & H. R. Co. (Mass.)</i>	9-245
<i>Lampkin v. Louisville & Nashville R. Co. (Ala.)</i>	2-425
<i>v. McCormick (La.)</i>	21-713
<i>Lancaster City St. R. Co., Musser v. (Pa.)</i>	5-718, 719
<i>Lancaster Mills of Clinton, Mass., Thomas v. (C. C. A.)</i>	2-662
<i>Lane v. Spokane Falls & N. Ry. Co. (Wash.)</i>	14-436
<i>Lang v. Brady (Conn.)</i>	21-843
<i>Chesapeake, etc., R. Co. v. (Ky.)</i>	6-775, 776, 779
<i>Lansford, Louisville & N. R. Co. v. (C. C. A.)</i> ...	18-697
<i>Lansing City Electric R. Co., Montgomery v. (Mich.)</i>	1-260, 268
<i>Lansing, etc., R. Co., City of Lansing v. (Mich.)</i>	5-719
<i>La Pointe v. Boston & M. R. R. (Mass.)</i>	23-105
<i>Larned, C. G., Mercantile Real Estate & Live Stock Co. v. Omaha, Hutchinson & Gulf R. Co. (Kan.)</i>	3- 23
<i>Larsson v. McClure (Wis.)</i>	8-763

Lash's Administrator, Chesapeake & O. R. Co. v. (Va.).....	3-569
Latrobe, State, Baltimore C. & P. B. R. Co. v. (Md.).....	1-99, 118
Latta v. Lonsdale (C. C. A.).....	21-270
Lau, Missouri Pac. Ry. Co. v. (Neb.).....	13-108
Laufer v. Bridgeport Traction Co. (Conn.).....	7-787, 788
Laughrey, Burton v. (Mont.).....	3-657
Lauricella, Mexican Cent. R. Co. v. (Tex.).....	2-219, 220, 221, 382
Law v. Lake Shore & M. S. R. Co. (Mich.).....	15- 95
St. Louis, I. M. & S. Ry. Co. v. (Ark.).....	18-286
Lawhorn v. Millen & S. R. Co. (Ga.).....	5-551
Lawrence v. Atchison, etc., R. Co. (Kan.).....	6-777
Pullman Palace-Car Co. v. (Miss.).....	8- 59
Lawson, Chattanooga Electric Ry. Co. v. (Tenn.).....	12-669
Nashville, C. & St. L. Ry. Co. v. (Tenn.).....	19-252
Lay v. Railroad Co. (N. Car.).....	5-710
Lea v. Durham & N. R. Co. (N. Car.).....	23-765
Leake v. Carolina Cent. R. Co. (N. Car.).....	14-739
Leathers, St. Louis, etc., R. Co. v. (Ark.).....	4-261
Leavitt v. Bangor & A. R. Co. (Me.).....	7-354
Lebanon & A. St. R. Co., Westheffer v. (Pa.).....	1-170
Lebanon & St. R. Co., Yingst v. (Pa.).....	1-259, 266
Lebanon, etc., Turnpike R. Co. v. Purdy (Ky.).....	7-778
Le Blanc, Illinois Cent. R. Co. v. (Miss.).....	11-838, 12-877
Lee v. Chesapeake, etc., R. Co. (Ky.).....	6-783
Chicago, R. I. & P. Ry. Co. v. (C. C. A.).....	14-264
International & G. N. R. Co. v. (Tex.).....	3-434, 441
v. International & G. N. R. Co. (Tex.).....	5-376
St. Louis I. M. & S. Ry. Co. v. (Ark.).....	23-320
v. Southern Pac. R. Co. (Cal.).....	7-656
Lehigh Coal & N. Co. v. Inter-County St. R. Co. (Pa.).....	1-198, 286
Lehigh & H. R. Ry. Co., Hannigan v. (N. Y.).....	12-605
v. Marchant (C. C. A.).....	10-748
Lehigh Valley R. Co., Betts v. (Pa.).....	14-299
Girton v. (Pa.).....	21-157
Interstate Commerce Commission v. (Pa.).....	5-702, 704
Lonzer v. (Pa.).....	21-333
Murray v. (Conn.).....	4-210
Lehmann v. Deuster (Wis.).....	10-857
Leisy Brewing Co., Rock Island & P. Ry. Co. v. (Ill.).....	13-340
Leitch v. Chicago, etc., R. Co. (Wis.).....	6-777, 782
Lellis v. Michigan Cent. R. Co. (Mich.).....	18-545
Lemasters v. Southern Pac. Co. (Cal.).....	20-296
Lemery v. Boston & M. R. Co. (Mass.).....	11- 17
v. Great Northern Ry. Co. (Minn.).....	21-257
Leonard v. Boston & A. R. R. (Mass.).....	13-825
v. Whitcomb (Wis.).....	7-520
Leroy & C. v. al. Air-Line R. Co. v. Sidell (Kan.).....	21-741
Lersch, Baltimore & O. R. Co. v. (Ohio).....	14-835
Lessard v. Boston & M. R. R. (N. H.).....	17-211
Levin v. Second Ave. Traction Co. (Pa.).....	23-318
Lewis v. Long Island R. Co. (N. Y.).....	18- 1
Northern Pac. R. Co. v. (U. S.).....	4-258, 262
v. Pennsylvania R. Co. (N. J.).....	3-413
Pittsburgh, C., C. & St. L. R. Co. v. (Ky.).....	6-333
v. President, etc., Del. & H. C. Co. (N. Y.).....	2-192
v. Rio Grande W. Ry. Co. (Utah).....	14-822
St. Louis, I. M. & S. Ry. Co. v. (Ark.).....	20-483
Lewiston & A. H. R. Co., Conway v. (Me.).....	2-339
Flewelling v. (Me.).....	6-501
Lewiston, etc., R. Co., Bangs v. (Me.).....	7-785, 786
Conway v. (Me.).....	8-769, 770
Lexington & E. Ry. Co. v. Lyons (Ky.).....	11-212
Lexington Ry. Co. v. Cozine (Ky.).....	23-624
Lezinsky v. Metropolitan St. Ry. Co. (C. C. A.).....	12- 55
Lieberman v. Third Ave. R. Co. (N. Y. City Ct.).....	12-858

<i>Ligare v. Chicago, M. & N. R. Co. (Ill.)</i>	9- 52
<i>v. Chicago, etc., R. Co. (Ill.)</i>	4-256
<i>Lightcap, Philadelphia Traction Co. v. (C. C. A.)</i>	1-271
<i>Ligon, Alabama & V. R. Co. v. (Miss.)</i>	9-198
<i>Lilley, Florence E. D. & W. V. R. Co. v. (Kan.)</i>	3-25, 31
<i>Limburger v. San Antonio R. T. Co. (Tex.)</i>	1-169, 171, 323, 324
<i>Lime Rock R. Co. v. Farnsworth (Me.)</i>	3- 13
<i>Linam, St. Louis. I. M. & S. Ry. Co. v. (Ark.)</i>	21- 5
<i>Linck's Adm'r v. Louisville & N. R. Co. (Ky.)</i>	16-831
<i>Lincoln St. R. Co., City of Lincoln v. (U. S.)</i>	6-788
<i>v. Cox (Neb.)</i>	4-273
<i>Lindell R. Co., O'Rourke v. (Mo.)</i>	9-675
<i>Lindsay, Chaddick v. (Okla.)</i>	8-754, 755
<i>Lingenfelter v. Baltimore & O. S. W. Ry. Co. (Ind.)</i>	16-690
<i>Lion v. Baltimore City Pass. Ry. Co. (Md.)</i>	23-538
<i>Lippman, Central of Georgia Ry. Co. v. (Ga.)</i>	18-640
<i>Lipscomb v. Houston & T. C. Ry. Co. (Tex.)</i>	23-401
<i>Little, Baltimore & O. S. W. R. Co. v. (Ind.)</i>	9-427
<i>v. Carolina Cent. R. Co. (N. Car.)</i>	7-769, 772, 779
<i>v. Mercantile Trust Co. (C. C. A.)</i>	22-209
<i>v. Superior R. T. R. Co. (Wis.)</i>	1-260, 265, 276
<i>Little Rock & Ft. S. Ry. Co. v. Alister (Ark.)</i>	3-447
<i>v. Birnie (Ark.)</i>	1-645
<i>v. Daniels (Ark.)</i>	19-609
<i>Martin v. (Ark.)</i>	3-441
<i>v. Smith (Ark.)</i>	13-699
<i>v. Wells (Ark.)</i>	3-427
<i>v. Wilson (Ark.)</i>	14- 32
<i>Little Rock, H. S. & T. Ry. Co. v. Spencer (Ark.)</i>	12-861
<i>Little Rock & M. R. Co. v. Barry (C. C. A.)</i>	11-453
<i>Little Rock, etc., R. Co. v. Odom (Ark.)</i>	6-773
<i>v. Stevenson (Ark.)</i>	5-704
<i>Littlejohn v. Richmond & D. R. Co. (S. Car.)</i>	9-873
<i>Liveright, Pennsylvania Co. v. (Ind.)</i>	2-455, 3-427
<i>Liverpool & L. & G. Ins. Co. v. Southern Pac. Co. (Cal.)</i>	15-530
<i>Livingston v. Metropolitan El. R. Co. (N. Y.)</i>	1-374-5-6
<i>Lloyd & Railway Act, In re (Eng.)</i>	5-698
<i>Lochneisen, Omaha St. R. Co. v. (Neb.)</i>	1-273
<i>Lockwood v. Wabash R. Co. (Mo.)</i>	1- 16
<i>Loeser v. Chicago, M. & St. P. R. Co. (Wis.)</i>	8-421
<i>Logan, McNamara v. (Ala.)</i>	5-708
<i>London, Chatham & Dover R. Co., Foster v. (Eng.)</i>	1-717
<i>London & Northwestern R. Co., Norton v. (Eng.)</i>	1-717
<i>Londoner, Mayor, Denver Tramway Co. v. (Colo.)</i>	1-124
<i>Long, Atchison, etc., R. Co. v. (Kan. App.)</i>	6-774
<i>v. Chicago, R. I. & T. Ry. Co. (Tex.)</i>	18-386
<i>v. Freeman (N. Car.)</i>	1- 97
<i>Long Island R. Co., Beacher v. (N. Y.)</i>	12-295, 17-199
<i>Distler v. (N. Y.)</i>	6-235
<i>In re (N. Y.)</i>	3- 25
<i>Lewis v. (N. Y.)</i>	18- 1
<i>Longworth, Farmers' Loan & Trust Co. v. (C. C. A.)</i>	9-201
<i>Lonsdale, Latta v. (C. C. A.)</i>	21-270
<i>Lonzer v. Lehigh Val. R. Co. (Pa.)</i>	21-333
<i>Lord Gerard & London & Northwestern R. Co., In re (Eng.)</i>	1-717
<i>Lorentzen, Denver, etc., R. Co. v. (C. C. A.)</i>	8-755, 763
<i>Los Angeles & P. Electric Ry. Co., Cook v. (Cal.)</i>	23- 69
<i>Los Angeles, P. & G. R. Co. v. Rump (Cal.)</i>	3-130, 132, 133, 136, 137, 168
<i>Los Angeles R. Co., Cunningham v. (Cal.)</i>	7-783
<i>Los Angeles, etc., R. Co., Grant v. (Cal.)</i>	7-779, 780
<i>Los Angeles Traction Co., Bassett v. (Cal.)</i>	22- 5
<i>Storrs v. (Cal.)</i>	22-704
<i>Los Angeles T. R. Co., City of South Pasadena v. (Cal.)</i>	2-166
<i>Cox v. (Cal.)</i>	2-158, 159, 162

Los Angeles T. R. Co., <i>Raub v.</i> (Cal.)	2-223, 224, 282
Lott <i>v.</i> Frankford & S. P. C. Pass. R. Co. (Pa.)	1- 68
Loughridge, Southern Ry. Co. <i>v.</i> (Ga.)	23-387
Louisiana & N. W. R. Co., <i>Wilson v.</i> (La.)	14-648
Louisiana Western Extension Ry. Co. <i>v.</i> Carstens (Tex. Civ. App.)	12-781
Louisiana W. R. R., <i>Hebert v.</i> (La.)	20- 87
Louisville Banking Co., Louisville N. A. & C. Ry. Co. <i>v.</i> (U. S.)	15-345
Louisville Bridge Co., <i>McHugh v.</i> (Ky.)	23-946
Louisville E. & St. L. C. R. Co., New York Security & T. Co. <i>v.</i> (Ind.)	11-878
Louisville, H. & St. L. R. Co. <i>v.</i> Bowlds (Ky.)	23-553
<i>Baxter v.</i> (Ill.)	6-618
<i>Brown v.</i> (Ky.)	23-883
<i>v. Heck</i> (Ind.)	11-382
<i>v. Keefer</i> (Ind.)	5- 26
Louisville Trust Co. <i>v.</i> (U. S.)	15-256
<i>v. Louisville Trust Co.</i> (U. S.)	15-345
<i>v. McAfee</i> (Ind.)	3-436
<i>v. Patchen</i> (Ill.)	10-852
<i>v. Schmidt</i> (Ind.)	6-571
<i>Terry v.</i> (Ind.)	3-442, 443
<i>v. Wagner</i> (Ind.)	14-706
Louisville & Nashville Railroad Company <i>v.</i> Anchors (Ala.)	11-657
Louisville & N. R. Co., <i>Anderson v.</i> (C. C. A.)	2-166
<i>Arnold v.</i> (Ky.)	19-272
<i>v. Bailey</i> (Tenn.)	2- 17
<i>Becker v.</i> (Ky.)	20-803
<i>Behlmer v.</i> (S. Car.)	3-426
<i>Behlmer v.</i> (C. C. A.)	9-620
<i>v. Behlmer</i> (U. S.)	10-778, 18-167
<i>v. Bell</i> (Ky.)	8-413
<i>v. Bernard</i> (Ky.)	6- 55
<i>Berry v.</i> (Ky.)	20-401
<i>Beyer v.</i> (Ala.)	9-819
<i>v. Bizzell</i> (Ala.)	23-615
<i>v. Blair</i> (Tenn.)	17-159
<i>v. Bodine</i> (Ky.)	19-551
<i>v. Bowcock</i> (Ky.)	17-421
<i>v. Bowen</i> (Ky.)	9-276
<i>v. Breckinridge</i> (Ky.)	3-428
<i>v. Breeden</i> (Ky.)	23-131
<i>v. Brinton</i> (Ky.)	19-153
<i>Brown v.</i> (Ky.)	10- 55
<i>v. Brown</i> (Ala.)	14-794
<i>Carden v.</i> (Ky.)	10-872
<i>v. Cayce</i> (Ky.)	3-656
<i>v. Central Trust Co. of New York</i> (C. C. A.)	14-820
<i>v. Chesapeake & O. Ry. Co.</i> (Ky.)	16-539
Chicago, St. L. & N. O. Ry. Co. <i>v.</i> (Ky.)	19-688
Cincinnati, N. O. & Tex. Pac. R. Co. <i>v.</i> (Ky.)	2-409
<i>Clark v.</i> (Ky.)	8-355, 12-293
<i>v. Clark</i> (Ky.)	12-407
<i>Coffee v.</i> (Miss.)	14-423
Commonwealth <i>v.</i> (Ky.)	6-61, 23-936
<i>v. Commonwealth</i> (Ky.)	1- 68
<i>v. Commonwealth</i> (Ky.)	4-193
<i>v. Commonwealth</i> (Ky.)	5-644
<i>v. Commonwealth</i> (Ky.)	13-125
<i>v. Commonwealth</i> (Ky.)	15-841
<i>v. Commonwealth</i> (Ky.)	18-297, 663
Conn <i>v.</i> (Ky.)	15-838
<i>v. Cooley</i> (Ky.)	12-553
<i>v. Cooper</i> (Ky.)	17-304
Courts <i>v.</i> (Ky.)	5-223

Louisville & N. R. Co. <i>v.</i> Creighton (Ky.)	15-713
Cully <i>v.</i> (Ky.)	9-872
<i>v.</i> Cummins (Ky.)	21-774
<i>v.</i> Depp (Ky.)	3-440
Dick <i>v.</i> (Ky.)	23- 71
Durham <i>v.</i> (Ky.)	2-260
<i>v.</i> Edmonds (Ky.)	23-481
Eichengreen <i>v.</i> (Tenn.)	3-453
Eichhorn <i>v.</i> (Ky.)	23-941
Elliot <i>v.</i> (Ky.)	15-805
<i>v.</i> Ellis (Ky.)	2-132
Fagg <i>v.</i> (Ky.)	22-171
<i>v.</i> Farmers' & Drovers' Live-Stock Commission Firm (Ky.)	17-284
Fleming <i>v.</i> (Tenn.)	20-549
<i>v.</i> Gaines (Ky.)	5-226
<i>v.</i> Gidley (Ala.)	13-214
<i>v.</i> Graham (Ky.)	3-433
<i>v.</i> Hale (Ky.)	10- 73
Harrington <i>v.</i> (Tenn.)	17-135
<i>v.</i> Hartwell (Ky.)	4-550
<i>v.</i> Head (Ky.)	19-302
Helm <i>v.</i> (Ky.)	3-440
<i>v.</i> Henry (Ky.)	11-405
<i>v.</i> Hiltner (Ky.)	20-279
<i>v.</i> Hine (Ala.)	14-382
<i>v.</i> Hocker (Ky.)	23-522
<i>v.</i> Hooe (Ky.)	4-264
Hughes <i>v.</i> (Ky.)	12-560
Hudley <i>v.</i> (Ky.)	12-749
Hutcherson <i>v.</i> (Ky.)	15-846
Hutcheson <i>v.</i> (Ky.)	18-293, 21-476
<i>v.</i> Jackson (Ky.)	4-437
Johnson <i>v.</i> (Ala.)	2-213, 300
<i>v.</i> Johnson (Ky.)	6-729
<i>v.</i> Jones (Ala.)	23-224
<i>v.</i> Keith (Ky.)	19-180
<i>v.</i> Keller (Ky.)	12- 89
<i>v.</i> Kelly (Ky.)	7-165
<i>v.</i> Kentucky (U. S.)	3-525
<i>v.</i> Kice (Ky.)	20- 44
<i>v.</i> Kingman (Ky.)	5-401
Kinney <i>v.</i> (Ky.)	3-652
Lampkin <i>v.</i> (Ala.)	2-425
<i>v.</i> Lansford (C. C. A.)	18-697
Linck <i>v.</i> (Ky.)	16-831
<i>v.</i> Louisville S. R. Co. (Ky.)	8-161
<i>v.</i> McElwain (Ky.)	3-309
<i>v.</i> McEwan (Ky.)	2-438, 17-208
<i>v.</i> Malone (Ala.)	10-878
<i>v.</i> Marbury Lumber Co. (Ala.)	18-508
<i>v.</i> Mattingly (Ky.)	8-319
<i>v.</i> Mercantile Trust Co. (C. C. A.)	22-484
<i>v.</i> Miller	19-500
<i>v.</i> Milliken (Ky.)	14-742
Morris <i>v.</i> (Ky.)	20-368
<i>v.</i> Morris (Ky.)	21-380
Mouton <i>v.</i> (Ala.)	20-673
<i>v.</i> Murphree (Ala.)	21-758
<i>v.</i> Nehan (Ky.)	23-201
<i>v.</i> Odill (Tenn.)	2-647
Page <i>v.</i> (Ala.)	21- 1
Pence <i>v.</i> (Ky.)	23-807
<i>v.</i> Penrod (Ky.)	17-759
<i>v.</i> Pittman (Ky.)	18-329, 23- 55

Louisville & N. R. Co. <i>v.</i> Pittsburg & K. Coal Co. (Ky.).....	23-332
<i>v.</i> Queen City Coal Co. (Ky.).....	4-389
<i>v.</i> Quick (Ala.).....	20-25
<i>v.</i> Ray (Tenn.).....	11-174
<i>v.</i> Ricketts (Ky.).....	6-186
<i>v.</i> Ricketts (Ky.).....	2-282
Rogers <i>v.</i> (C. C.).....	12-813
<i>v.</i> Ross (Ky.).....	17-432
<i>v.</i> Samuels (Ky.).....	18-374
<i>v.</i> Sander (Ky.).....	10-528
<i>v.</i> Scanlon (Ky.)..	22-833
<i>v.</i> Scott (Ky.).....	17-261
<i>v.</i> Shearer (Ky.).....	20-138
Shelton <i>v.</i> (Ky.).....	8-678
<i>v.</i> Sides (Ala.).....	21- 90
<i>v.</i> Simpson (Ky.).....	23-592
Smith <i>v.</i> (Ky.).....	19-157
<i>v.</i> Smith (Ala.).....	23-218
<i>v.</i> Smith (Ky.).....	10-506, 15-613
Spink <i>v.</i> (Ky.).....	16- 86
<i>v.</i> Spinks (Ga.).....	12- 48
<i>v.</i> Spring-Water Distilling Co. (Ky.).....	15-527
Stacker <i>v.</i> (Tenn.).....	20-704
<i>v.</i> Stewart (Ala.).....	21- 34
<i>v.</i> Stewart (Miss.).....	21-855
<i>v.</i> Stock (Ky.).....	15-713
<i>v.</i> Stuber (C. C. A.).....	22-840
Swan <i>v.</i> (Tenn.).....	20-446
<i>v.</i> Taafe (Ky.).....	15-693
<i>v.</i> Tarter (Ky.).....	7-607
<i>v.</i> Tennessee Brewing Co. (Tenn.).....	4-661
The Shinkle, Wilson & Kreis Co. <i>v.</i> (C. C. A.).....	4-677
Thompson <i>v.</i> (Ky.)	21-665
<i>v.</i> Thompson (Ky.).....	23- 48
<i>v.</i> Thornton (Ky.).....	19-229
Thurman <i>v.</i> (Ky.).....	3-652
<i>v.</i> Tinkham (Ky.).....	13-800
<i>v.</i> Tow (Ky.).....	21-441
<i>v.</i> Truett (C. C. A.).....	23-823
<i>v.</i> Tucker (Ky.).....	23-876
<i>v.</i> Vancleave (Ky.).....	21-477
<i>v.</i> Veach (Ky.).....	11- 24
<i>v.</i> Vestal (Ky.)	12-633
<i>v.</i> Victory (Ky.).....	12-538
Virginia Coal & Iron Co. <i>v.</i> (Va.).....	21-261
<i>v.</i> Vittitoe (Ky.).....	8-666
<i>v.</i> Wade (Ky.).....	5-371
Walker <i>v.</i> (Ala.).....	4-658
<i>v.</i> Walker (Ky.).....	21-473
<i>v.</i> Ward (Ky.).....	10-544
Ward <i>v.</i> (Ky.).....	23-462
Warfield <i>v.</i> (Tenn.).....	17-135
Watson <i>v.</i> (Tenn.).....	18-115
<i>v.</i> Webster (Tenn.).....	22-410
<i>v.</i> Williams (Ala.).....	9-252
<i>v.</i> Williams (Ky.).....	11-338
Wood <i>v.</i> (Ky.).....	8-711
Wood <i>v.</i> (Tenn.).....	11-525
<i>v.</i> Woods (Ala.).....	11-872
<i>v.</i> York (Ala.).....	23-470
Louisville & N. Terminal Co., Baker <i>v.</i> (Tenn.).....	20-946
Louisville Ry. Co., Lutz <i>v.</i> (Ky.).....	12-280
<i>v.</i> Park (Ky.).....	2-211, 212, 221, 384, 385, 389
Louisville, etc., R. Co. <i>v.</i> Allgood (Ala.).....	6-771
<i>v.</i> Bernheim (Ala.).....	8-753, 754

Louisville, etc., R. Co., <i>Fisher v. (Ind.)</i>	6-782, 785
<i>v. Guy (Ky.)</i>	6-774
<i>v. Hopson (Miss.)</i>	4-256
<i>v. Howell (Ind.)</i>	6-782, 786
<i>v. Miles (Ky.)</i>	6-774
<i>v. Miller (Ala.)</i>	5-323, 324
<i>v. Porter (Ind.)</i>	5-700
<i>Thomas v. (Ky.)</i>	5-708
<i>Ward v. (Tenn.)</i>	7-776
Louisville, St. L. & T. Ry. Co. <i>v. Taylor (Ky.)</i>	1-718
<i>v. Terry's Adm'x (Ky.)</i>	13-770
Louisville, St. R. Co., Louisville & N. R. Co. <i>v. (Ky.)</i>	8-161
Louisville Southern R. Co. <i>v. Hooe (Ky.)</i>	14-808
<i>v. Tucker (Ky.)</i>	12-805
Louisville Trust Co. <i>v. City of Cincinnati (U. S.)</i>	6-113
<i>v. Louisville N. A. & C. Ry. Co. (U. S.)</i>	15-256
<i>Louisville N. A. & C. Ry. C. v. (U. S.)</i>	15-345
Louisville & W. R. Co. <i>v. Hall (Ga.)</i>	14- 7
Love, Atchison, etc., R. Co. <i>v. (Kan.)</i>	4-256
Lovejoy <i>v. Chesapeake, etc., R. Co. (W. Va.)</i>	4-262
Lowe, Raleigh & G. R. Co. <i>v. (Ga.)</i>	10-398
<i>v. Volp (Eng.)</i>	3-656
Lowell <i>v. Washington County R. Co. (Me.)</i>	9-115
Lowry, Jackson Electric Ry., Light & Power Co. <i>v. (Miss.)</i>	23-103
Lucas <i>v. Burlington, C. R. & N. Ry. Co. (Iowa)</i>	20-366
<i>Florida Cent. & P. R. Co. v. (Ga.)</i>	16-818
<i>v. Herbert (Ind.)</i>	7-729
Ludlum, St. Louis & S. F. Ry. Co. <i>v. (Kan.)</i>	23-851
Luening, Atchison, Topeka & Santa Fe R. Co. <i>v. (Kan.)</i>	1- 61
Lumberman's Mut. Ins. Co. <i>v. Kansas City, Ft. S. & M. R. Co. (Mo.)</i>	14-127
Lumis <i>v. Philadelphia Traction Co. (Pa.)</i>	10-847
Lumley <i>v. Wabash R. Co. (U. S.)</i>	6- 81
Lumpkin <i>v. Southern R. Co. (Ga.)</i>	4-458
Lund <i>v. Chicago, R. I. & P. Ry. Co. (Neb.)</i>	14-826
Lundquist <i>v. Duluth St. R. Co. (Minn.)</i>	4-506
Lusby <i>v. Kansas City, M. & B. R. Co. (Miss.)</i>	3-447
Lutz <i>v. Louisville Ry. Co. (Ky.)</i>	12-280
Lycan, Missouri, etc., R. Co. <i>v. (Kan.)</i>	6-781
Lykens & W. Val. St. Ry. Co., Williams Val. R. Co. <i>v. (Pa.)</i>	16-718
Lyman <i>v. Suburban R. Co. (Ill.)</i>	21-828
Lynch, County Treasurer, Union Refrigerator Transit Co. <i>v. (Utah)</i>	13-868
Lynch <i>v. Florida Cent. & P. R. Co. (Ga.)</i>	22-477
Lynch, Treasurer of Salt Lake County, Union Refrigerator Transit Company <i>v. (U. S.)</i>	17-588
Lynchburg & D. R. Co., Tillett <i>v. (N. Car.)</i>	2-167, 300, 388
Lynn <i>v. Antrim Lumber Co., Limited, (La.)</i>	21-598
<i>Southern Ry. Co. v. (Ala.)</i>	21-570
Lynn & B. R. Co., Harding <i>v. (Mass.)</i>	12-865
<i>Nichols v. (Mass.)</i>	9-844
Lyon, Chicago, etc., R. Co. <i>v. (Neb.)</i>	8-764
<i>v. Hammond & B. I. R. Co. (Ill.)</i>	9-337
Lyons, Lexington & E. Ry. Co. <i>v. (Ky.)</i>	11-212
<i>Missouri Pac. Ry. Co. v. (Neb.)</i>	12-610
<i>Pennsylvania R. Co. v. (Pa.)</i>	2-259
<i>Pittsburgh, Ft. W. C. R. Co. v. (Ill.)</i>	3-657
<i>Texas Central R. Co. v. (Tex.)</i>	3-316
McAdam <i>v. Central R. & Electric Co. (Conn.)</i>	5- 7
McAdoo <i>v. Railroad Co. (N. Car.)</i>	5-710
McAfee, Louisville N. A. & C. R. Co. <i>v. (Ind.)</i>	3-436
McAnally <i>v. Pennsylvania R. Co. (Pa.)</i>	17-741
McArver <i>v. Southern Ry. Co. (N. Car.)</i>	23-772
McCadden <i>v. Abbot (Wis.)</i>	3-651
McCafferty <i>v. Pennsylvania R. Co. (Pa.)</i>	16-122

McCall <i>v.</i> Southern Ry. Co. (N. Car.).....	23-760
McCann <i>v.</i> Consolidated Traction Co. (N. J.).....	7-280
<i>v.</i> Eddy (Mo.).....	2-633
Missouri, K. & T. Ry. Co. <i>v.</i> (U. S.).....	16-185
<i>v.</i> Newark & S. O. R. Co. (N. J.).....	4-382
McCanna <i>v.</i> New England R. Co. (R. I.).....	10-485
McCarley, McGhee <i>v.</i> (C. C. A.).....	19-216
McCarthy <i>v.</i> Whitcomb (Wis.).....	20-860
McCarty, Chicago, R. I. & P. R. Co. <i>v.</i> (Neb.)	5-507
McClellan <i>v.</i> Ft. Wayne & B. I. R. Co. (Mich.).....	1-266, 268
McClure, Larsson <i>v.</i> (Wis.).....	8-763
McColgan <i>v.</i> Baltimore Belt R. Co. (Md.).....	7-778
McConnell, County Treasurer, Bras (Burlington, C. R. & N. R. Co., Intervener) <i>v.</i> (Iowa).....	23-127
McCook <i>v.</i> Bryan (Okla.)	5-699
McCord <i>v.</i> Cammell (Eng.).....	3-451, 452
McCormick, Lampkin <i>v.</i> (La.).....	21-713
McCoy <i>v.</i> Milwaukee S. R. Co. (Wis.).....	1-267, 273
<i>v.</i> Norfolk & C. R. Co. (Va.).....	22-838
<i>v.</i> Sioux City & P. R. Co. (Iowa).....	10-306
McCray <i>v.</i> Galveston, H. & S. A. R. Co. (Tex.).....	3-276
McCreary-McClellan Live-Stock Co., Felton <i>v.</i> (Ky.).....	21- 9
McCreery <i>v.</i> Ohio River R. Co. (W. Va.).....	8-755, 20-875
McCullen <i>v.</i> Chicago & N. W. Ry. Co. (C. C. A.).....	18-500
McCullough, St. Louis S. W. R. Co. <i>v.</i> (Tex.).....	3-429, 430
McCune <i>v.</i> Mercantile Trust Co. (C. C. A.).....	22-209
McCurrie <i>v.</i> Southern Pac. Co. (Cal.).....	12-170
McCusker <i>v.</i> Pennsylvania R. Co. (Pa.).....	21-351
McDade, Augusta Southern R. Co. <i>v.</i> (Ga.).....	12-548
McDivitt <i>v.</i> Des Moines St. R. Co. (Iowa).....	6-106
McDonald <i>v.</i> Boston & Maine R. Co. (Me.).....	2-293
<i>v.</i> Illinois Cent. R. Co. (Ill.).....	20-309
<i>v.</i> Kansas City & I. R. Co. (Mo.).....	2-258, 262
<i>v.</i> Norfolk & W. R. Co. (Va.).....	8-552
McDonnell <i>v.</i> Illinois Cent. Ry. Co. (Iowa).....	11-534
<i>v.</i> N. Y. Cent. & H. R. R. Co. (N. Y.).....	12-175
McDonough, Alabama Great Southern R. Co. <i>v.</i> (Tenn.).....	5-169
McDougal, Spencer <i>v.</i> (U. S.).....	1-595
McDowell <i>v.</i> Benson (Ga.).....	10-161
McElmurry, Austin & N. W. R. Co. <i>v.</i> (Tex.).....	3-445
McElroy <i>v.</i> Georgia, etc., R. Co. (Ga.).....	5-697
Kansas City S. B. Ry. Co. <i>v.</i> (Mo.).....	22-397
McElveen <i>v.</i> Southern Ry. Co. (Ga.).....	15-842
McElwain, Louisville & N. R. Co. <i>v.</i> (Ky.).....	3-309
McEwan, Louisville & N. R. Co. <i>v.</i> (Ky.).....	17-208
McEwen & Murray, Limited, New Orleans & N. E. R. Co. <i>v.</i> (La.).....	7-742
McFarlan <i>v.</i> Pennsylvania R. Co. (Pa.).....	22- 16
McGahey, Kansas City, etc., R. Co. <i>v.</i> (Ark.).....	7-767
McGarry, Norfolk, etc., R. Co. <i>v.</i> (W. Va.).....	6-787
McGeary <i>v.</i> Old Colony R. R. (R. I.).....	14-764
McGhee <i>v.</i> Bell (Ky.).....	9-345, 11-519
<i>v.</i> Drisdale (Ala.).....	6-774
<i>v.</i> McCarley (C. C. A.).....	19-216
<i>v.</i> Reynolds (Ala.).....	10-49, 22- 17
McGhee, Receiver, American Sugar Refining Co. <i>v.</i> (Ga.).....	2-697
McGill, Alabama Midland Ry. Co. <i>v.</i> (Ala.).....	14- 20
<i>v.</i> Minneapolis & St. L. R. Co. (Iowa).....	20-790
Southern Pac. Co. <i>v.</i> (Ariz.).....	3-653
McGinn <i>v.</i> Platt (Mass.).....	19-245
McGinnis, Chicago, etc., R. Co. <i>v.</i> (Neb.).....	7-774
Rome St. R. Co. <i>v.</i> (Ga.).....	1-256
McGlamory, Missouri, K. & T. R. Co. <i>v.</i> (Tex.).....	3-434
Missouri, etc., R. Co. <i>v.</i> (Tex.).....	5-696
McGovern <i>v.</i> Smith (Vt.).....	23-690
McGrath <i>v.</i> City & Suburban R. Co. (Ga.).....	1-263

McGrath <i>v.</i> Eastern Ry. Co. of Minnesota (Minn.).....	13-768
Missouri Pac. R. Co. <i>v.</i> (Kan.).....	3-424
<i>v.</i> North Jersey St. Ry. Co. (N. J.).....	22-790
McGraw <i>v.</i> Chicago, R. I. & P. Ry. Co. (Neb.).....	18-764
McGuire <i>v.</i> Vicksburg, S. & P. R. Co. (La.).....	1- 68
McHenry, Wells County <i>v.</i> (N. Dak.).....	10-190
McHugh <i>v.</i> Louisville Bridge Co. (Ky.).....	23-946
McIlhaney <i>v.</i> Southern R. Co. (N. Car.).....	6-693, 11-100
McIntire, Eaton <i>v.</i> (Me.).....	4-205
McIver, Georgia S. & F. Ry. Co. <i>v.</i> (Ga.).....	15-703
McKeesport St. R. Co., Borough of McKeesport <i>v.</i> (Pa.)..	1-171, 286, 291
McKeesport, etc., R. Co., Clayton Electric Co. <i>v.</i> (Pa.).....	6-777
McKennon <i>v.</i> St. Louis, I. M & S. Ry. Co. (Ark.).....	21-527
McKeon <i>v.</i> Chicago, M. & St. P. R. Co. (Wis.).....	8-219
McKewen, Lake Roland Elevated R. Co. <i>v.</i> (Md.).....	1-260
McKibben <i>v.</i> Great Northern Ry. Co. (Minn.).....	16-155
McKillop <i>v.</i> Duluth St. R. Co. (Minn.).....	1-171, 278
McKinley, Ohio Valley R. Co. <i>v.</i> (Ky.).....	3-439, 443
McLane, Texas & P. R. Co. <i>v.</i> (Tex.).....	2-263
McManamee <i>v.</i> Missouri Pac. R. Co. (Mo.).....	5-474
McManes, Philadelphia <i>v.</i> (Pa.).....	3-652
McMillin <i>v.</i> Southern Ry. Co. (Miss.).....	14- 37
McNamara <i>v.</i> Logan (Ala.).....	5-708
McNee <i>v.</i> Coburn Trolley-Track Co. (Mass.).....	10-765
McNeeley, New Orleans, Ft. J. & G. I. R. R. <i>v.</i> (La.).....	3-135
McNeill, Eaton <i>v.</i> (Ore.).....	8-680
Graham <i>v.</i> (Wash.).....	12-149
Richmond <i>v.</i> (Ore.).....	10-691
Walker <i>v.</i> (Wash.).....	11-738
McNulta, Stelk <i>v.</i> (C. C. A.).....	22-778
McNulty <i>v.</i> Pennsylvania R. Co. (Pa.).....	8-685
<i>v.</i> West Chicago St. R. Co. <i>v.</i> (Ill.).....	9-255
McPeak <i>v.</i> Missouri Pac. R. Co. (Mo.).....	2-226
McPeck <i>v.</i> Central Vt. R. Co. (C. C. A.).....	9-828
McTavish <i>v.</i> Great Northern Ry. Co. (N. Dak.).....	14- 59
McVey <i>v.</i> Chesapeake & O. Ry. Co. (W. Va.).....	13-788
<i>v.</i> Illinois Cent. R. Co. (Miss.).....	3-371
Mackay, Northern Pac. R. Co. <i>v.</i> (C. C. A.).....	1-596
Mackrall <i>v.</i> Omaha & St. L. R. Co. (Iowa).....	19- 59
MacLeod, Graven <i>v.</i> (C. C. A.).....	14-305
Macon Consol. St. R. Co., Perry <i>v.</i> (Ga.).....	10-819
Macon, D. & S. R. Co. <i>v.</i> Moore (Ga.).....	15-842
Macon & I. S. Electric St. Ry. Co. <i>v.</i> Holmes (Ga.).....	12-385
Macon & N. Ry. Co., Whatley <i>v.</i> (Ga.).....	11-425
Macon <i>v.</i> Paducah St. Ry. Co. (Ky.).....	22-614
Macon, etc., R. Co. <i>v.</i> Moore (Ga.).....	5-355
Macoy <i>v.</i> Sioux City & P. Ry. Co. (Iowa).....	17-363
Madden <i>v.</i> Port Royal & W. C. R. Co. (S. Car.).....	2-279, 280, 384, 389
Maddox <i>v.</i> Newport News, etc., Co. (Ky.).....	6-791
Magee, Missouri, K. & T. Ry. Co. of Texas <i>v.</i> (Tex.).....	15-186
Magoun, Robbins <i>v.</i> (Iowa).....	7-783
Mahaffy <i>v.</i> Beech Creek R. Co. (Pa.).....	3-131, 165
Maher <i>v.</i> Union Pac. D. & G. Ry. Co. (C. C. A.).....	20-644
Mahony, Pittsburg, C., C. & St. L. R. Co. <i>v.</i> (Ind.).....	8-441
Maine Cent. R. Co., Chase <i>v.</i> (Mass.).....	6-343
Dunning <i>v.</i> (Me.).....	9-574
Oakes <i>v.</i> (Me.).....	22-190
State <i>v.</i> (Me.).....	8-758
Taylor <i>v.</i> (Me.).....	2-614
<i>v.</i> Waterville, etc., Co. (Me.).....	8-756, 757
Maine Cent. R. R., Eastman <i>v.</i> (N. H.).....	17-203
Maine <i>v.</i> Chicago, B. & Q. R. Co. (Iowa).....	9-299
Malarin, Perry <i>v.</i> (Cal.).....	2-219
Malmstrom <i>v.</i> Northern Pac. Ry. Co. (Wash.).....	12-329
Malone, Louisville & N. R. Co. <i>v.</i> (Ala.).....	10-878

Maloney, Beattyville & C. G. R. Co. v. (Ky.).....	14- 24
Malott v. Shimer (Ind.).....	15-774
Manchester & L. R. R., State v. (N. H.).....	21-734
Manchester, Sheffield & Lincolnshire R. Co., Brooks v. (Eng.)... Taylor v. (Eng.).....	3- 27 2-388
Manhattan R. Co., Butler v. (N. Y.).....	2-383, 386
Connelly v. (N. Y.).....	2-385
Graham v. (N. Y.).....	4-256, 260
Hogan v. (N. Y.).....	3-571
Hunter v. (N. Y.).....	1-366
Mayor, Aldermen and Commonalty of the City of New York v. (N. Y.).....	1-409
Shepard v. (N. Y.).....	1-371
Sutro v. (N. Y.).....	1-373, 374
Volkmar v. (N. Y.).....	1-453, 454
White v. (N. Y.).....	1-351
Manhattan Trust Co., Sioux City O. & W. Ry. Co. v. (C. C. A.)..	15-430
Trust Co. of North America v. (U. S.).....	6-220
Manistee & N. E. R. Co., Cornell v. (Mich.).....	11-263
Mankey v. Chicago, M. & St. P. Ry. Co. (S. Dak.).....	21-248
Mann v. Lake Shore & M. S. Ry. Co. (Mich.).....	21-325
v. Philadelphia Traction Co. (Pa.).....	4-260
Mannheim Ins. Co. v. Erie & W. Transp. Co. (Minn.)	13-161
Manning, West Chicago St. R. Co. v. (Ill.)	9-364
v. West End St. R. Co. (Mass.).....	6-793
Manton, Texas & P. R. Co. v. (U. S.).....	9-850
Marble, Minneapolis, etc., R. Co. v. (Mich.).....	7-780
Marbury Lumber Co., Louisville & N. R. Co. v. (Ala.).....	18-508
Marchant, Lehigh & H. R. R. Co. v. (C. C. A.).....	10-748
Marchant v. Pennsylvania R. Co. (U. S.).....	3- 31
Marengo v. Great Northern Ry. Co. (Minn.).....	23-660
Marion St. R. Co., Sirk v. (Ind. App.).....	2-223
Market St. Ry. Co., Board of Railroad Com'rs of State of Cali- fornia v. (Cal.)	23- 21
Schneider v. (Cal.).....	23-692
Marpole, Norfolk & W. R. Co. v. (Va.).....	16-291
Marrs, St. Louis & San Francisco R. Co. v. (Ark.).....	2-647
Marsh, Cleveland T. & V. R. Co. v. (Ohio).....	20- 54
Marshall, Norfolk & W. R. Co. v. (Va.).....	2-220, 221
v. Pontiac, O. & N. R. Co. (Mich.).....	20-341
Southern Ry. Co. v. (Ky.).....	23- 82
Martin v. Atchison, T. & S. F. R. Co. (U. S.).....	6-600
Chicago, R. I. & P. Ry. Co. v. (Kan.).....	12- 4
v. Little Rock & Ft. S. R. Co. (Ark.).....	3-441
Memphis & C. R. Co. v. (Ala.).....	23-683
v. Missouri Pac. R. Co. (Kan.).....	7-576
Omaha Street R. Co. v. (Neb.).....	4- 1
Pennsylvania R. Co. v. (C. C. A.).....	23-449
v. Philadelphia & R. Ry. Co. (Pa.).....	23-170
Pittsburgh, C. C. & St. L. Ry. Co. v. (Ind.).....	23-485
Pullman's Palace Car Co. v. (Ga.).....	2-475
West Chicago St. R. Co. v. (Ill.).....	2-317, 318, 319
Yazoo & M. V. R. Co. v. (Miss.).....	21-301
Mason v. Southern Ry. Co. (S. Car.).....	19- 83
Massachusetts Loan & Trust Co. v. Hamilton (C. C. A.).....	11-771
Masterson v. Chicago & N. W. Ry. Co. (Wis.).....	14-395
Matheson v. Kansas City, Ft. S. & M. R. Co. (Kan.).....	17-738
Mathews v. Atchison, T. & S. F. R. Co. (Kan.).....	12-255
v. Lake Shore, etc., R. Co. (Mich.).....	6-791
St. Louis & S. F. R. Co. v. (U. S.).....	6-361
Matthews, Atchison, T. & S. F. R. Co. v. (U. S.)....	14- 89
v. Charleston & S. R. Co. (S. Car.).....	2-109
v. Missouri Pac. R. Co. (Mo.)	10-673
Matter of Atlantic Ave. El. R. Co. (N. Y.).....	1-364
Matter of Southern Boulevard Co. (N. Y.).....	3-30, 31

Mattingly, Louisville & N. R. Co. <i>v.</i> (Ky.).....	8-319
Nashville, C. & St. L. Ry. Co. <i>v.</i> (Ky.).....	11-736
Matz <i>v.</i> Chicago & A. R. Co. (Mo.).....	10-592
Mauzy, Southern Ry. Co. <i>v.</i> (Va.).....	20-647
Maxson <i>v.</i> Michigan Cent. R. Co. (Mich.).....	14-823
Maxwell <i>v.</i> Southern Pac. R. Co. (La.).....	3-425
May <i>v.</i> Carbondale Traction Co. (Pa.).....	1-171
<i>v.</i> West Jersey & S. R. Co. (N. J.).....	13-517
Mayes <i>v.</i> Southern R. Co. (N. Car.).....	6-778, 779
Maynard, Attorney General, Moore, American Express Com- pany <i>v.</i> (U. S.).....	17-530
Mayo's Estate, In re (S. Car.).....	21- 99
Mayor, Aldermen and Commonalty of the City of New York <i>v.</i> Manhattan Railway Co. (N. Y.).....	1-409
Mayor, etc., of City of Baltimore <i>v.</i> Baltimore Trust & Guar- antee Co. (U. S.).....	7-624
Mayor, etc., of City of Hoboken, Tallon <i>v.</i> (N. J.).....	7-545
Mayor, etc., of City of Newark, Paterson, N. & N. Y. R. Co. <i>v.</i> (N. J.).....	10-182
<i>v.</i> State Board of Taxation (N. J.).....	23-308
State (Theberath, Prosecutor) <i>v.</i> (N. J.).....	1-176
Mayor, etc., of New Brunswick, State (Barr, Prosecutor) <i>v.</i> (N. J.).....	3-170
Mayor, etc., of Jersey City, New Jersey Junction R. Co. <i>v.</i> (N. J.).....	14-192
State (Kennelly, Prosecutor) <i>v.</i> (N. J.).....	1-98, 99, 169, 220, 322
Mayor, etc., of Ocean City, Baltimore, C. & A. Ry. Co. <i>v.</i> (Md.)..	14-195
Maysville & B. S. R. Co. <i>v.</i> Ball (Ky.).....	20-186
<i>v.</i> Connor (Ky.).....	1- 63
<i>v.</i> Holton (Ky.).....	8-336
<i>v.</i> Ingram (Ky.).....	1-63, 64
Pollock <i>v.</i> (Ky.).....	14-821
Means <i>v.</i> Carolina Cent. R. Co. (N. Car.).....	14-363
Mechanics' Trust Co. <i>v.</i> Dandridge (Ky.).....	8-348
Mechler, San Antonio St. R. Co. <i>v.</i> (Tex.).....	1-257, 258, 265, 279
Medairy, Northern Cent. R. Co. <i>v.</i> (Md.).....	7-526
Medaris, Missouri, K. & T. Ry. Co. <i>v.</i> (Kan.).....	12-698
Medberry <i>v.</i> Chicago, M. & St. P. Ry. Co. (Wis.).....	17-494
Meech, Chicago & E. R. Co. <i>v.</i> (Ill.).....	7-667
Meixner, Cicero & Proviso St. R. Co. <i>v.</i> (Ill.).....	4-246
Meloche <i>v.</i> Chicago, M. & St. P. R. Co. (Mich.).....	10- 82
Memphis & C. R. Co. <i>v.</i> Glover (Miss.).....	22-708
Goodloe <i>v.</i> (Ala.).....	2-444
<i>v.</i> Hopkins (Ala.).....	3- 99
<i>v.</i> Martin (Ala.).....	23-683
Menaugh <i>v.</i> Bedford Belt Ry. Co. (Ind.).....	22- 1
Mendenhall, Oddie <i>v.</i> (Minn.).....	22-880
Mensing <i>v.</i> Michigan Cent. R. Co. (Mich.).....	12-223
Mercantile Trust Co., Adams & Westlake Co. <i>v.</i> (C. C. A.).....	22-484
<i>v.</i> Atlantic & P. R. Co. (Postal Telegraph Co., Inter- vener) (C. C.).....	1-683
Baltimore & O. S. W. R. Co. <i>v.</i> (C. C. A.).....	22-484
Carlisle <i>v.</i> (C. C. A.).....	22-209
Columbus Terminal & Transfer R. Co. <i>v.</i> (C. C. A.).....	22-484
Gregg <i>v.</i> (C. C. A.).....	22-484
Hallett <i>v.</i> (C. C. A.).....	22-209
Harrison <i>v.</i> (C. C. A.).....	22-484
Little <i>v.</i> (C. C. A.).....	22-209
Louisville & N. R. Co. <i>v.</i> (C. C. A.).....	22-484
McCune <i>v.</i> (C. C. A.).....	22-209
Metropolitan Trust Co. <i>v.</i> (C. C. A.).....	22-209
Monsarrat <i>v.</i> (C. C. A.).....	22-505
Parrott <i>v.</i> (C. C. A.).....	22-209
Railroad Equipment Co. <i>v.</i> (C. C. A.).....	22-144
<i>v.</i> Second Nat. Bank of Sandusky (C. C. A.).....	22-209

Mercantile Trust Co., Sinks <i>v.</i> (C. C. A.)	22-209
Stewart <i>v.</i> (C. C. A.)	22-209, 484
Mercantile Trust & Deposit Co. <i>v.</i> Atlanta Stone, Coal & Lumber Co. (Ala.)	8-102
<i>v.</i> Southern Iron Car-Line Co. (Ala.)	8-102
Mercer, Walker <i>v.</i> (Kan.)	18-159
Merchants' Dispatch Transp. Co. <i>v.</i> Hoskins (Ky.)	10-346, 11-832
Meridian Water Works Co., New Orleans & N. E. R. Co. <i>v.</i> (C. C. A.)	3-451
Merrieles <i>v.</i> Wabash R. Co. (Mo.)	22-158
Merrill, Missouri, K. & T. Ry. Co. <i>v.</i> (Kan.)	17-470
<i>v.</i> Pacific Transfer Co. (Cal.)	21-143
Merritt <i>v.</i> Foote (Mich.)	23- 43
<i>v.</i> Great Northern Ry. Co. (Minn.)	19-775
<i>v.</i> New York, N. H. & H. R. Co. (Mass.)	2-223
Mesic <i>v.</i> Atlantic, etc., R. Co. (N. Car.)	7-770
Metcalf, Union Pac. R. Co. <i>v.</i> (Neb.)	7-768
Metropolitan El. R. Co., Adler <i>v.</i> (N. Y.)	1-371
Doyle <i>v.</i> (N. Y.)	1-372
In re (N. Y.)	1-349
Livingston <i>v.</i> (N. Y.)	1-374, 375, 376
Oherfelder <i>v.</i> (N. Y.)	1-349
Sixth Ave. R. Co. <i>v.</i> (N. Y.)	1-373, 376, 378
Sperb <i>v.</i> (N. Y.)	1-372, 374
Wood <i>v.</i> (N. Y.)	6-788
Metropolitan St. Ry. Co. <i>v.</i> Johnson (Ga.)	1-267
<i>v.</i> Kennedy (C. C. A.)	9-509
Lezinsky <i>v.</i> (C. C. A.)	12- 55
Metropolitan Trust Co. of City of New York <i>v.</i> Houston & T. C. R. Co. (Tex.)	13-149
Metropolitan Trust Co. <i>v.</i> Mercantile Trust Co. (C. C. A.)	22-209
<i>v.</i> Railroad Equipment Co. (C. C. A.)	22-144
<i>v.</i> Second Nat. Bank (C. C. A.)	22-209
Metropolitan West Side El. R. Co., Chicago West Division R. Co. <i>v.</i> (Ill.)	3- 45
<i>v.</i> Clancy (Ill.)	3-164, 165
<i>v.</i> Springer (Ill.)	9-731
<i>v.</i> Stickney (Ill.)	3-147
Meuer <i>v.</i> Chicago, Milwaukee & St. Paul R. Co. (S. Dak.)	2-493
Meux <i>v.</i> Great Eastern Railway Co. (Eng.)	2-464
Mewethy <i>v.</i> Detroit, G. R. & W. Co. (Mich.)	22-691
Mexican Cent. Ry. Co. <i>v.</i> Jones (C. C. A.)	21-200
<i>v.</i> Lauricella (Tex.)	2-219, 220, 221, 382
Mexican Cent. Ry. Co., Limited, <i>v.</i> Glover (C. C. A.)	21-272
Meyer, Atchison, T. & S. F. Ry. Co. <i>v.</i> (Kan.)	21-764
<i>v.</i> Illinois Cent. R. Co. (Ill.)	12-694
Meyers, Baltimore & Ohio R. Co. <i>v.</i> (C. C. A.)	2-225-262
<i>v.</i> Illinois Cent. R. Co. (La.)	6-786
Miami Powder Co. <i>v.</i> Port Royal & W. C. R. Co. (S. Car.)	4-426
Michaels, Southern Kan. R. Co. <i>v.</i> (Kan.)	8-761, 764
Michigan Cent. R. Co., Finnegan <i>v.</i> (Mich.)	21-725
Huffman <i>v.</i> (Mich.)	5-542
Lellis <i>v.</i> (Mich.)	18-545
Maxson <i>v.</i> (Mich.)	14-823
Mensing <i>v.</i> (Mich.)	12-223
<i>v.</i> Pere Marquette R. Co. (Mich.)	23-864
Redson <i>v.</i> (Mich.)	15-687
Sheltrawn <i>v.</i> (Mich.)	23-711
Willett <i>v.</i> (Mich.)	9- 18
Mickelson <i>v.</i> New East Tintic Ry. Co. (Utah)	20-855
Middle Georgia & A. Ry. Co. <i>v.</i> Barnett (Ga.)	12-532
Black <i>v.</i> (Ga.)	12-569
<i>v.</i> Reynolds (Ga.)	8-763
Middlesborough Ry. Co. <i>v.</i> Webster (Ky.)	14-209
Milam County, Gulf, C. & S. F. R. Co. <i>v.</i> (Tex.)	7-780

Milam <i>v.</i> Southern Ry. Co. (S. Car.)	18-253
Miles, Louisville, etc., R. Co. <i>v.</i> (Ky.)	6-774
St. Louis & S. F. R. Co. <i>v.</i> (C. C. A.)	10-585
Milford & M. R. R., In re (N. H.)	15-818
Military Interstate Ass'n of Savannah <i>v.</i> Savannah, T. & I. of H. Ry. (Ga.)	14-824
Millen & S. R. Co., Lawhorn <i>v.</i> (Ga.)	5-551
Miller Grain & Elevator Co. <i>v.</i> Union Pac. R. Co. (Mo.)	8-1
Miller, Charleston & W. C. Ry. Co. <i>v.</i> (Ga.)	21-339
Cleveland, C., C. & St. L. R. Co. <i>v.</i> (Ind.)	9-684
East Tennessee, V. & G. R. Co. <i>v.</i> (Ga.)	2-216
Johnson <i>v.</i> (Pa.)	3-657
<i>v.</i> King (N. Y.)	21-376
Louisville & N. R. Co. <i>v.</i> (C. C. A.)	19-500
Louisville, etc., R. Co. <i>v.</i> (Ala.)	5-323, 324
New Jersey Electric R. Co. <i>v.</i> (N. J.)	6-519
New York, N. H. & H. R. Co. <i>v.</i> (Mass.)	3-655
Railroad Co. <i>v.</i> (Ga.)	5-714
<i>v.</i> St. Paul, etc., R. Co. (Minn.)	5-718
<i>v.</i> Terre Haute & I. R. Co. (Ind.)	3-442
Wabash R. Co. <i>v.</i> (Ind.)	23-843
<i>v.</i> Wellington & P. R. Co. (N. Car.)	20-557
Miller, Sheriff, Southern Ry. Co. in Mississippi <i>v.</i> (Miss.)	22-680
Milliken, Louisville & N. R. Co. <i>v.</i> (Ky.)	14-742
Mills <i>v.</i> Chicago, etc., R. Co. (Wis.)	5-323
Chicago, etc., R. Co. <i>v.</i> (Kan.)	7-770
<i>v.</i> Seattle & M. R. Co. (Wash.)	1-718
Millsaps, Yazoo & M. V. R. Co. <i>v.</i> (Miss.)	17-269
Milroy, Galesburg & G. E. R. Co. <i>v.</i> (Ill.)	19-277
Milwaukee Electric R. & Light Co. <i>v.</i> City of Milwaukee (Wis.)	6-411
Milwaukee, etc., Elec. R. Co., Chicago, etc., R. Co. <i>v.</i> (Wis.)	7-787
Milwaukee L., H. & T. Co., Younkin <i>v.</i> (Wis.)	23-500
Milwaukee & L. W. R. Co., Stoltz <i>v.</i> (Wis.)	15-820
Milwaukee St. R. Co., Block <i>v.</i> (Wis.)	1-329
Hardy <i>v.</i> (Wis.)	2-223, 224, 389
McCoy <i>v.</i> (Wis.)	1-267, 273
Schmitt <i>v.</i> (Wis.)	2-156, 161
Slensby <i>v.</i> (Wis.)	9-527
Mingus, Atlantic & P. R. Co. <i>v.</i> (N. Mex.)	9-881
Mink, Reynolds <i>v.</i> (C. C. A.)	23-924
Minneapolis Sash & Door Co. <i>v.</i> Great Northern Ry. Co. (Minn.)	21-750
Minneapolis & St. L. R. Co. <i>v.</i> Cedar Rapids, G. & N. W. Ry. Co. (Iowa)	23-152
Church <i>v.</i> (S. Dak.)	21-382
McGill <i>v.</i> (Iowa)	20-790
Minneapolis Western R. Co. <i>v.</i> (Minn.)	1-725
<i>v.</i> Nicolin, In re (Minn.)	13-445
Olson <i>v.</i> (Minn.)	14-770
Railroad & Warehouse Commission <i>v.</i> (Minn.)	17-630
Wagen <i>v.</i> (Minn.)	17-438
Minneapolis, St. P. & Saulte Ste. Marie R. Co., Gillan <i>v.</i> (Wis.)	2-145
<i>v.</i> Marble (Mich.)	7-780
Shea <i>v.</i> (Minn.)	2-608
Southard <i>v.</i> (Minn.)	2-677
Minneapolis & S. Ste. M. R. Co. Shea <i>v.</i> (Minn.)	2-677, 717
Minneapolis St. Ry. Co., Wilson <i>v.</i> (Minn.)	12-425
Minneapolis Western R. Co. <i>v.</i> Minneapolis & St. Louis R. Co. (Minn.)	1-725
Minneapolis, etc., R. Co., Mitchelson <i>v.</i> (Minn.)	7-768
Minnesota Transfer Ry. Co., J. J. Douglas Co. <i>v.</i> (Minn.)	2-671
Woehrlé <i>v.</i> (Minn.)	19-529
Mire <i>v.</i> Yazoo & M. Val. R. Co. (La.)	21-761
Mississippi Railroad Commission <i>v.</i> Gulf & S. I. R. Co. (Miss.)	21-864
Missouri & T. R. F. & L. Co. <i>v.</i> Cape Girardeau & S. W. R. Co. (U. S.)	5-703

Missouri, Kansas & Texas Ry. Co. v. Bagley (Kan.).....	13-259
Och v. (Mo.).....	2-343
Missouri, K. & T. Ry. Co., Boggs v. (Mo.).....	18-379
v. Bowles (Ind. Ter.).....	8- 12
v. Byrne (Ind. Ter.).....	13- 17
v. Byrne (C. C. A.).....	18-573
v. Cocreham (Tex.).....	2-541, 542, 543
v. Cook (U. S.).....	4-552
v. Edwards (Tex.).....	5-343
Eichorn v. (Mo.).....	2-279, 280, 385
v. Elliott (Ind. Ter.).....	14-587
v. Elliott (C. C. A.).....	18-715
v. Farrington (Ind. Ter.).....	11-854
v. Haber (Kan.).....	3-471
v. Haber (U. S.).....	13- 37
Hickman v. (Mo.).....	15-375
v. Hickman, H. W., (U. S.).....	23-493
Hunt v. (Tex.).....	2-734
v. Jamison (Tex.).....	3-442
v. Johnson (Tex.).....	12-824
Kingsbury v. (Mo.).....	19-719
v. Kirkham (Kan.).....	21-845
v. McCann (U. S.).....	16-185
v. McGlamory (Tex.).....	3-434
v. Medaris (Kan.).....	12-698
v. Merrill (Kan.).....	17-470
v. Roberts (Tex. App.).....	11- 21
v. Sanders (Tex.).....	3-428
v. Shockman (Kan.).....	12-880
v. Truskett (Ind. Ter.).....	17-273
v. Truskett (C. C. A.).....	19-618
v. Turley (C. C. A.).....	10-380
v. Ward (Ind. Ter.).....	11-328
v. Woods (Tex.).....	2-519
Missouri, K. & T. Ry. Co. of Texas v. Belcher (Tex.).....	3-498
Dobbins v. (Tex.).....	8-179
v. Kendrick (Tex.).....	2-179
v. Magee (Tex.).....	15-186
v. Overfield (Tex. Civ. App.).....	12-207
v. Rogers (Tex.).....	8-141
Washington v. (Tex.).....	11-829
Missouri Pac. Ry. Co. v. Bennett's Estate (Kan.).....	7-534
Blackmore v. (Mo.).....	21-360
Chamberlain v. (Mo.).....	3-401
v. Crowell Lumber & Grain Co. (Neb.).....	7-223
Ephland v. (Mo.).....	7-579
Farber v. (Mo.).....	2-166, 444, 7-700
v. Fox (Neb.).....	12-863
v. Geist (Neb.).....	5-421
Geist v. (Neb.).....	22-364
v. Gibson (Kan.).....	3-494
Handley v. (Kan.).....	16-674
v. Henrie (Kan.).....	6-790
Hollenbeck v. (Mo.).....	3-350, 8-277
Hook v. (Mo.).....	21-787
Hutchinson v. (Mo.).....	20-700
v. Lau (Neb.).....	13-108
v. Lyons (Neb.).....	12-610
v. McGrath (Kan.).....	3-424
McManamee v. (Mo.).....	5-474
McPeak v. (Mo.).....	2-226
Matthews v. (Mo.).....	10-673
v. Moffatt (Kan.).....	3-488, 12-397
Paddock v. (Mo.).....	17-310
v. Prewitt (Kan.).....	13-807

Missouri Pac. Ry. Co., <i>Schmitt v. (Mo.)</i>	20-216
<i>Sharp v. (Mo.)</i>	21- 47
<i>v. Smith (Ark.)</i>	2- 89
State, Cass County <i>v. (Mo.)</i>	15-175
State of Missouri, <i>Bettis v. (Mo. App.)</i>	7- 66
<i>v. State of Nebraska, Board of Transportation (U. S.)</i> ..	6-157
<i>Tanner v. (Mo.)</i>	20-809
<i>Thompson v. (Neb.)</i>	8-761, 762
<i>v. Tietken (Neb.)</i>	5-262
<i>Ward v. (Mo.)</i>	19- 30
<i>v. Wichita Wholesale Grocery Co. (Kan.)</i>	2-560
Missouri, etc., Ry. Co. <i>v. Colburn (Tex.)</i>	6-787
<i>v. Lycan (Kan.)</i>	6-781
<i>v. McGlamory (Tex.)</i>	5-696
<i>v. Spellman (Tex.)</i>	3-438
Mitchell <i>v. Boston, etc., R. Co. (N. H.)</i>	4-256
<i>v. Carolina Cent. R. Co. (N. Car.)</i>	13-201
<i>v. Nashville, C. & St. L. R. Co. (Tenn.)</i>	10-775
<i>v. Rochester R. Co. (N. Y.)</i>	8-215
<i>v. Southern Ry. Co. (Miss.)</i>	18-126
<i>v. Tacoma R. & M. Co. (Wash.)</i>	1-258, 262, 264, 266, 269, 274
Mitchelson <i>v. Minneapolis, etc., R. Co. (Minn.)</i>	7-768
Mizell, Illinois Cent. R. Co. <i>v. (Ky.)</i>	6-337
Moats, Chesapeake & O. Ry. Co. <i>v. (Ky.)</i>	15-645
Mobile & M. R. Co. <i>v. Alabama M. R. Co. (Ala.)</i>	10-128
Mobile & O. R. Co., <i>Clisby v. (Miss.)</i>	22-179
Commonwealth <i>v. (Ky.)</i>	23-185
<i>v. Donovan (Tenn.)</i>	18-669
<i>v. Holiday (Miss.)</i>	23-955
<i>v. Postal Tel. Cable Co. (Two Cases) (Tenn.)</i>	10-867
<i>v. Postal Tel. Cable Co. (Ala.)</i>	13-423
<i>v. Postal Tel. Cable Co. (Miss.)</i>	18-364
<i>Roberds v. (Miss.)</i>	7- 93
<i>v. Tiernan (Tenn.)</i>	15-564
<i>v. Whayne (Ky.)</i>	23-319
<i>v. Wilson (C. C. A.)</i>	6- 97
<i>Zackery v. (Miss.)</i>	6-267
Mobile, etc., R. Co., Electric Lighting Co. <i>v. (Ala.)</i>	4-265
<i>George v. (Ala.)</i>	4-257, 258
<i>v. House (Tenn.)</i>	4-261
<i>Waters v. (Miss.)</i>	6-771, 772
<i>v. Weems (Miss.)</i>	7-788
Mochell, Chicago & E. I. R. Co. <i>v. (Ill.)</i>	23-927
Moffatt, Missouri Pac. Ry. Co. <i>v. (Kan.)</i>	3-488, 12-397
Moline Plow Co., Cleveland, C., C. & St. L. R. Co. <i>v. (Ind.)</i> ..	2-608, 717
Moneyhun, Cleveland, C., C. & St. L. R. Co. <i>v. (Ind.)</i>	5-682
Monsarrat <i>v. Mercantile Trust Co. (C. C. A.)</i>	22-505
<i>v. Robinson (C. C. A.)</i>	22-505
Montana Cent. Ry. Co., <i>Crisswell v. (Mont.)</i>	3-652
<i>Egan v. (Mont.)</i>	20- 72
<i>Goodwell v. (Mont.)</i>	4-419
<i>Hunter v. (Mont.)</i>	16-615
<i>Sweeney v. (Mont.)</i>	22-540
Montana Ore-Purchasing Co. <i>v. Boston & M. Con. C. & S. M.</i> <i>Co. (Mont.)</i>	10-754
<i>Butte & B. Con. Min. Co. v. (Mont.)</i>	10-754
Montana Ry. Co., State, Nolan, Atty. Gen., <i>v. (Mont.)</i>	11-353
Montana Union R. Co., <i>Beckstead v. (Mont.)</i>	9-273
<i>Butte A. & P. R. Co. v. (Mont.)</i>	3-25, 95, 96, 99
<i>Hastings v. (Mont.)</i>	5-533
Montgomery County Passenger R. Co., Pennsylvania R. Co. <i>v.</i> <i>(Pa.)</i>	1-190
Montgomery <i>v. Lansing City Electric R. Co. (Mich.)</i>	1-260, 268
<i>Pittsburg, C., C. & St. L. R. Co. v. (Ind.)</i>	9-792
<i>v. Santa Ana & W. R. Co. (Cal.)</i>	1-44, 61

<i>Moore v. Northern Pac. Ry. Co. (Minn.)</i>	17-753
<i>Moon v. Fink (Ga.)</i>	10-848
<i>Mooney, Florida Cent. & P. R. Co. v. (Fla.)</i>	12-721
<i>Moore, Atty. Gen., v. American Exp. Co. (Mich.)</i>	13- 95
<i>Brunswick & W. R. Co. v. (Ga.)</i>	12- 84
<i>v. Charlotte Electric St. Ry. Co. (N. Car.)</i>	22-785
<i>Commissioner of Streets of Borough of Haddonfield (N. J.)</i>	10-323
<i>v. Kansas City, Ft. S. & M. Ry. Co. (Mo.)</i>	12-580
<i>v. Kansas City & I. R. T. Co. (Mo.)</i>	1-254
<i>Macon, D. & S. R. Co. v. (Ga.)</i>	15-842
<i>Macon, etc., R. Co. v. (Ga.)</i>	5-355
<i>v. New York, N. H. & H. R. Co. (Mass.)</i>	14-210
<i>New York, S. & W. R. Co. v. (C. C. A.)</i>	21-462
<i>Pittsburg, C., C. & St. L. Ry. Co. v. (Ind.)</i>	14-678
<i>Southern Ry. Co. v. (Ala.)</i>	20-896
<i>Moorer, Alabama Great Southern R. Co. v. (Ala.)</i>	9-742
<i>Moorman, Gulf, C. & S. F. Ry. Co. v. (Tex. Civ. App.)</i>	11-157
<i>Morbey v. Chicago & N. W. Ry. Co. (Iowa)</i>	12-687
<i>Morehouse, Chicago & N. W. Ry. Co. v. (Wis.)</i>	23-413
<i>Morgan, Comptroller, People, New York Cent. & H. R. R. Co. v. (N. Y.)</i>	22-527
<i>Morgan's Louisiana & T. R. Co., Coburn v. (La.)</i>	21-402
<i>Cumberland Telephone & Telegraph Co. v. (La.)</i>	13- 71
<i>Morgan's Louisiana & T. R. & S. S. Co., Dave v. (La.)</i>	2-127
<i>Downing v. (La.)</i>	20-412
<i>Duverniet v. (La.)</i>	6-483
<i>Vincent v. (La.)</i>	5-463
<i>Morgan v. Wabash R. Co. (Mo.)</i>	20-372
<i>Morris v. Duluth, S. S. & A. Ry. Co. (C. C. A.)</i>	22- 45
<i>v. Florida Cent. & P. R. Co. (Fla.)</i>	22-559
<i>v. Louisville & N. R. Co. (Ky.)</i>	20-368
<i>Louisville & N. R. Co. v. (Ky.)</i>	21-380
<i>Morris & E. R. Co. v. City of Orange (N. J.)</i>	16-631
<i>Morrissey, Lake Erie & W. R. Co. v. (Ill.)</i>	12-624
<i>Morrow, Atchison, T. & S. F. R. Co. v. (Kan.)</i>	5-262
<i>v. St. Paul City Ry. Co. (Minn.)</i>	12-836
<i>Mosby, Chesapeake & Ohio R. Co. v. (Va.)</i>	4-633
<i>Moseley v. Chicago, B. & Q. R. Co. (Neb.)</i>	15-426
<i>Mosier v. Oregon R. & Nav. Co. (Ore.)</i>	21-508
<i>Mosnat v. Chicago & N. W. Ry. Co. (Iowa)</i>	21-609
<i>Moss v. North Carolina R. Co. (N. Car.)</i>	12- 19
<i>v. Philadelphia Traction Co. (Pa.)</i>	6-690
<i>Mott v. Detroit, G. H. & M. Ry. Co. (Mich.)</i>	15-113
<i>Mound City Street R. Co., Watson v. (Mo.)</i>	3-385
<i>Mt. Pleasant Coal Co. v. Delaware, L. & W. R. Co. (Pa.)</i>	23-568
<i>Mouton v. Louisville & N. R. Co. (Ala.)</i>	20-673
<i>Mueller v. Chicago, B. & N. Ry. Co. (Minn.)</i>	12-137
<i>Mugford v. Boston & M. R. R. (Mass.)</i>	16-684
<i>Muldoon v. Seattle City R. Co. (Wash.)</i>	2-110
<i>Mulford, Chicago & A. R. Co. v. (Ill.)</i>	5-229
<i>Mulliken, International & G. N. R. Co. v. (Tex.)</i>	2-224, 387, 444
<i>Munch v. Great Northern Ry. Co. (Minn.)</i>	12-586
<i>Munsell, Cleveland, C., C. & St. L. Ry. Co. v. (Ill.)</i>	23-579
<i>Murowski, Chicago, B. & Q. R. Co. v. (Ill.)</i>	15-697
<i>Murphey, Central of Ga. Ry. Co. v. (Ga.)</i>	21-555
<i>Murphree, Louisville & N. R. Co. v. (Ala.)</i>	21-758
<i>Murray v. Chicago & N. W. Ry. Co. (C. C. A.)</i>	13-278
<i>v. Fitchburg R. Co. (Mass.)</i>	3-445
<i>v. Lehigh Valley R. Co. (Conn.)</i>	4-210
<i>Muscatine N. & S. R. Co., Westbrook v. (Iowa)</i>	23-835
<i>Musick v. Kansas City, S. & M. R. Co. (Mo.)</i>	3- 28
<i>Musser v. Lancaster City St. R. Co. (Pa.)</i>	5-718, 719
<i>Musser Sawtry, L. L. & M. Co., Northern Pac. R. Co. v. (C. C. A.)</i>	1-618

Myers, Chattanooga S. R. Co. <i>v.</i> (Ga.).....	19-776
<i>v.</i> Chicago, St. P., M. & O. Ry. Co. (C. C. A.).....	14-749
Dakes <i>v.</i> (C. C. A.).....	1-595
Northern Pac. Ry. Co. <i>v.</i> (U. S.).....	15-391
Southern Ry. Co. <i>v.</i> (Ga.).....	16-672
Myles, Farmer <i>v.</i> (La.).....	23-732
Nall, Illinois Cent. R. Co. <i>v.</i> (Ky.).....	16-828
Narramore <i>v.</i> Cleveland, C., C. & St. L. Ry. Co. (C. C. A.).....	17-502
Narron <i>v.</i> Wilmington & W. R. Co. (N. Car.).....	13-852
Nashville, C. & St. L. Ry. Co. <i>v.</i> Hammond (Ala.).....	1-683, 716, 718
<i>v.</i> Lawson (Tenn.).....	19-252
<i>v.</i> Mattingly (Ky.).....	11-736
Mitchell <i>v.</i> (Tenn.).....	10-775
Payne <i>v.</i> (Tenn.).....	22-677
Townsend <i>v.</i> (Tenn.).....	21- 7
Nashville & D. R. Co. <i>v.</i> State (Ala.).....	23-202
Nashville, etc., R. Co., Farrow <i>v.</i> (Ala.).....	5-704
Nashville St. R. R. <i>v.</i> O'Bryan (Tenn.).....	22-902
Nass, Galveston H. & S. A. Ry. Co. <i>v.</i> (Tex.).....	20-306
Nassau Electric R. Co., Hassen <i>v.</i> (N. Y.).....	12- 1
Nathan <i>v.</i> Charlotte St. R. Co. (N. Car.).....	5-709
National Docks Co., Pennsylvania R. Co. <i>v.</i> (N. J.).....	4-256
National Docks & N. J. J. C. R. Co. <i>v.</i> Pennsylvania R. Co. (N. J.).....	3-82, 98, 132, 133, 169, 170
Pennsylvania R. Co. <i>v.</i> (N. J.).....	3-132, 166
State (Pennsylvania R. Co., Pros.) <i>v.</i> (N. J.).....	3-25, 26, 97
National Live-Stock Bank, Lake Shore & M. S. R. Co. <i>v.</i> (Ill.)..	13- 1
Neal <i>v.</i> Carolina Cent. R. Co. (N. Car.).....	18- 51
<i>v.</i> Southern Ry. Co. (N. Car.).....	20-941
Neale <i>v.</i> County Court of Wood County (W. Va.).....	7-252
Nebraska Meal Mills <i>v.</i> St. Louis S. W. R. Co. (Ark.).....	7-591
Need, Chicago, Kansas & Western R. Co. <i>v.</i> (Kan.).....	3-236
Nehan, Louisville & N. R. Co. <i>v.</i> (Ky.).....	23-201
Neidlinger, Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	17-758
Neininger <i>v.</i> Cowan (C. C. A.).....	18-492
Nelling <i>v.</i> Chicago, St. P. & K. C. R. Co. (Iowa).....	4-539
Nelson, Chicago & A. R. Co. <i>v.</i> (Ill.).....	1-274, 2-384, 385
<i>v.</i> Crescent City R. Co. (La.).....	7-192
<i>v.</i> Salt Lake R. T. Co. (Utah).....	2-156
<i>v.</i> Southern Pac. Co. (Utah).....	14-374
Nesbit, Denver Tramway Co. <i>v.</i> (Colo.).....	4-605
Nesbitt, Paris M. & S. P. R. Co. <i>v.</i> (Tex.).....	3-448
Nestelle, Farmers' Loan & Trust Co. <i>v.</i> (C. C. A.).....	11-877
Nevada, Central Pac. R. Co. <i>v.</i> (U. S.).....	4-264
Nevada Central R. Co., Watt <i>v.</i> (Nev.).....	3-659
Nevada, etc., R. Co., Watt <i>v.</i> (Nev.).....	5-700
Neversink Mountain R. Co., Fleishman <i>v.</i> (Pa.).....	4-261
Neville <i>v.</i> St. Louis M. B. T. Ry. Co. (Mo.).....	20-196
New, Southern Ry. Co. <i>v.</i> (Ga.).....	14- 19
Newark Pass. R. Co. <i>v.</i> Inhabitants of East Orange (N. J.).....	1-220
Newark & S. O. R. Co., McCann <i>v.</i> (N. J.).....	4-382
Newberger Cotton Co. <i>v.</i> Illinois Cent. R. Co. (Miss.).....	10-334
Newington, etc., Co., Canastota Knife Co. <i>v.</i> (Conn.).....	7-787
New East Tintic Ry. Co., Mickelson <i>v.</i> (Utah).....	20-855
New England Railroad Company <i>v.</i> Carnegie Steel Co., Limited, (C. C. A.).....	5-193
<i>v.</i> Central R. & Electric Co. (Conn.).....	8-261
Dixon <i>v.</i> (Mass.).....	22- 10
McCanna <i>v.</i> (R. I.).....	10-485
<i>v.</i> Robert T. Conroy (U. S.).....	16-380
Town of Bristol <i>v.</i> (Conn.).....	11-674
New Haven Steam Sawmill Co. <i>v.</i> City of New Haven (Conn.)..	16-588
New Jersey Dry Dock & Transportation Co., Campbell <i>v.</i> (N. J.)..	11- 12
New Jersey Electric R. Co. <i>v.</i> Miller (N. J.).....	6-519
New Jersey Junction R. Co. <i>v.</i> Mayor, etc., of Jersey City (N. J.)..	14-192

New Jersey Traction Co. <i>v.</i> Gardner (N. J.).....	2-259, 9-843
New Mexico & S. P. R. Co., Walker <i>v.</i> (N. Mex.).....	14-839
New Orleans City, etc., R. Co., Gannon <i>v.</i> (La.).....	6-792
New Orleans & C. R. Co., Bobira <i>v.</i> (La.).....	1-220
Conway <i>v.</i> (La.).....	2-222, 387, 444
Crescent City R. Co. <i>v.</i> (La.).....	4-402
New Orleans, Ft. J. & G. I. R. Co. <i>v.</i> McNeeley (La.).....	3-135
New Orleans & N. E. R. Co., Corso <i>v.</i> (La.).....	5- 43
Erslew <i>v.</i> (La.).....	6-436
Gardner <i>v.</i> (Miss.).....	21-865
<i>v.</i> McEwen & Murray, Limited, (La.).....	7-742
<i>v.</i> Meridian Water Works Co. (C. C. A.).....	3-451
Smith Bros. & Co., Limited, <i>v.</i> (La.).....	22-419
New Orleans & N. W. R. Co., Kird <i>v.</i> (La.).....	20-930
New Orleans & W. R. Co., Dobson <i>v.</i> (La.).....	17-404
New Orleans, etc., R. Co., Boikens <i>v.</i> (La.).....	4-260
Newport News & M. V. R. Co., Roseberry <i>v.</i> (Ky.).....	10-844
Newport News, etc., Co., Hershheim <i>v.</i> (Ky.).....	6-772
Maddox <i>v.</i> (Ky.).....	6-791
Newport St. R. Co., Elliott <i>v.</i> (R. I.).....	2-299, 386, 388
Taggart <i>v.</i> (R. I.).....	1-340
New York Cent. & H. R. R. Co., Barrett <i>v.</i> (N. Y.).....	15-578
Eaton <i>v.</i> (N. Y.).....	18-391
Fitzgerald <i>v.</i> (N. Y.).....	9-434
Girvin <i>v.</i> (N. Y.).....	20-547
Hallett <i>v.</i> (N. Y.).....	22-446
Henavie <i>v.</i> (N. Y.).....	21- 31
Jones <i>v.</i> (N. Y.).....	11-185
McDonnell <i>v.</i> (N. Y.).....	12-175
Parker <i>v.</i> (N. Y.).....	10-614
Peck <i>v.</i> (N. Y.).....	22-808
Penny <i>v.</i> (N. Y.).....	12-180
People, Frost <i>v.</i> (N. Y.).....	23-175
Piper <i>v.</i> (N. Y.).....	11-202
St. John <i>v.</i> (N. Y.).....	22-728
Trimble <i>v.</i> (N. Y.).....	17-176
New York Cent. & St. L. R. Co. <i>v.</i> Blumenthal (Ill.).....	4-174
<i>v.</i> Hamlet Hay Co. (Ind.).....	9-291
<i>v.</i> Ostman (Ind.).....	6-588
Thomas <i>v.</i> (Pa.).....	9-132
New York Cent., etc., R. Co., Felska <i>v.</i> (N. Y.).....	7-772
New York El. R. Co., Bischoff <i>v.</i> (N. Y.).....	1-372, 373, 377
Bookman <i>v.</i> (N. Y.).....	1-373, 374, 376
Carter <i>v.</i> (N. Y.).....	1-378
Cook <i>v.</i> (N. Y.).....	1-373, 376, 378
Kernochan <i>v.</i> (N. Y.).....	1-378
O'Reilly <i>v.</i> (N. Y.).....	3-432
Saxton <i>v.</i> (N. Y.).....	1-376
Steubing <i>v.</i> (N. Y.).....	1-375, 376, 377
Woolsey <i>v.</i> (N. Y.).....	1-373
New York Guaranty & Indemnity Co. <i>v.</i> Tacoma Railway & Motor Co. (C. C. A.).....	23-249
New York & L. B. R. Co., Durand <i>v.</i> (N. J.).....	21-208
Winter <i>v.</i> (N. J.).....	23-359
New York, L. E. & W. R. Co., Beardsley <i>v.</i> (N. Y.).....	17-149
Buchholz <i>v.</i> (N. Y.).....	3-453, 454
Swack <i>v.</i> (N. Y.).....	16-609
New York & N. E. R. Co., Archambeau <i>v.</i> (Mass.).....	11-706
Clare <i>v.</i> (Mass.).....	6-76, 13-569
<i>v.</i> Feely (Mass.).....	2-103
Hale <i>v.</i> (Mass.).....	16-535
<i>v.</i> Railroad Commissioners (Mass.).....	1-660
Sprague <i>v.</i> (Conn.).....	6-638
Vining <i>v.</i> (Mass.).....	9- 65

New York, New Haven & Hartford Railroad Company, <i>Agulino v. (R. I.)</i>	14-314
<i>Benson v. (R. I.)</i>	22-299
<i>v. Bork (R. I.)</i>	22-511
<i>Candee v. (Conn.)</i>	21-434
<i>Cole v. (Mass.)</i>	18-383
<i>Content v. (Mass.)</i>	3-369
<i>Crandall v. (R. I.)</i>	5-543
<i>Cullen v. (Conn.)</i>	3-453
<i>De Forge v. (Mass.)</i>	20-492
<i>Dunn v. (C. C. A.)</i>	21-236
<i>Gunn v. (Mass.)</i>	14-830
<i>Hamlin v. (Mass.)</i>	4-546
<i>Ionnone v. (R. I.)</i>	16-359
<i>John M. Wheeler v. (U. S.)</i>	20-143
<i>Jones v. (R. I.)</i>	11-414
<i>Jordan v. (Mass.)</i>	3-435, 436
<i>v. Kelly (C. C. A.)</i>	13-816
<i>Knowlton v. (Conn.)</i>	16-573
<i>Lamoureux v. (Mass.)</i>	9-245
<i>Merritt v. (Mass.)</i>	2-223
<i>v. Miller (Mass.)</i>	3-655
<i>Moore v. (Mass.)</i>	14-210
<i>Nickerson v. (Mass.)</i>	21-806
<i>Nihill v. (Mass.)</i>	5-462
<i>Nolan v. (Conn.)</i>	10-637
<i>v. O'Leary (C. C. A.)</i>	14-718
<i>Patnoudé v. (Mass.)</i>	23-860
<i>v. People of the State of New York (U. S.)</i>	8-172
<i>Rathbun v. (R. I.)</i>	9-333
<i>Reimer v. (Mass.)</i>	21-378
<i>Rooney v. (Mass.)</i>	14-425
<i>Ryan v. (Mass.)</i>	9- 67
<i>Stewart v. (Mass.)</i>	10-520
<i>Sullivan v. (Conn.)</i>	20-108
<i>Tessmer v. (Conn.)</i> ..	15-164
<i>Tumalty v. (Mass.)</i>	11-468
<i>Wallace v. (Mass.)</i>	3-443
<i>Whipple v. (R. I.)</i>	5-517
<i>Whitney v. (C. C. A.)</i>	19-184
<i>Williams, State's Atty. v. (Conn.)</i> ..	12-860
<i>Winship v. (Mass.)</i>	10-275
New York & N. Ry. Co., <i>Farmers' Loan & Trust Co. v. (N. Y.)</i>	7-321
New York, O. & W. Ry. Co., <i>Devoe v. (N. J.)</i>	15-124
<i>Doing v. (N. Y.)</i>	9- 69
New York, P. & N. R. Co. <i>v. Cromwell (Va.)</i>	17-328
<i>Hearn v. (Md.)</i>	15- 54
<i>v. Jones (Md.)</i>	23-528
<i>v. Thomas (Va.)</i>	4-240
<i>White v. (Va.)</i>	20-588
New York, P. & O. R. Co., <i>Commonwealth v. (Pa.)</i>	14-145
New York Security & T. Co. <i>v. Louisville E. & St. L. C. R. Co. (Ind.)</i>	11-878
New York, S. & W. R. Co., <i>Day v. (N. J.)</i>	4-313
<i>v. Moore (C. C. A.)</i>	21-462
<i>Turess v. (N. J.)</i>	11-297
New York, etc., R. Co., <i>American, etc., Nav. Co. v. (N. J.)</i>	8-759, 761
<i>v. Board of Supervisors (Va.)</i>	4-265
<i>Pomponio v. (Conn.)</i>	4-259
<i>Sullivan v. (Pa.)</i>	4-260
<i>Nicholas v. Burlington, C. R. & N. Ry. Co. (Minn.)</i>	16-341
<i>Nichols v. Chicago G. W. R. Co. (Iowa)</i>	2-543
<i>v. Lynn & B. R. Co. (Mass.)</i>	9-844
<i>v. Norfolk & C. R. Co. (N. Car.)</i>	8-768
<i>v. Oregon Short Line R. Co. (Utah)</i>	23-654

Nickerson <i>v.</i> New York, N. H. & H. R. Co. (Mass.).....	21-806
Nickolson <i>v.</i> Northern Pac. Ry. Co. (Minn.).....	18-682
Nicolin, In re Minneapolis & St. L. R. Co. <i>v.</i> (Minn.).....	13-445
Nieboer <i>v.</i> Detroit Electric Railway (Mich.).....	23- 93
Niemann <i>v.</i> Detroit Suburban St. R. Co. (Mich.).....	1-172
Nihill <i>v.</i> New York, N. H. & H. R. Co. (Mass.).....	5-462
Nixon, Houston & Texas Cent. R. Co. <i>v.</i> (Tex.).....	3-435
Noble <i>v.</i> Atchison, T. & S. F. R. Co. (Okla.).....	5-301
Nohrden <i>v.</i> Northeastern R. Co. (S. Car.).....	13-557, 20-246
Nolan <i>v.</i> New York, N. H. & H. R. Co. (Conn.).....	10-637
Texas & P. R. Co. <i>v.</i> (C. C. A.).....	2-301
Norfolk City R. Co., Reid <i>v.</i> (Va.).....	6-792
Norfolk & C. R. Co., Cox <i>v.</i> (N. Car.).....	12-390
McCoy <i>v.</i> (Va.).....	22-838
Nichols <i>v.</i> (N. Car.).....	8-768
Parker <i>v.</i> (N. Car.).....	6-716, 14-844
Shields <i>v.</i> (N. Car.).....	22-635
Norfolk & S. R. Co., White <i>v.</i> (N. Car.).....	2-222, 444, 445
Norfolk & W. Ry. Co. <i>v.</i> Cromer (Va.).....	23-720
Fidelity Insurance, Trust & Safe-Deposit Co. <i>v.</i> (Va.)...	12-873
Glenn <i>v.</i> (N. Car.).....	21-585
Hall <i>v.</i> (W. Va.).....	8-632
Hampton <i>v.</i> (N. Car.).....	7-510
<i>v.</i> Houchins (Va.).....	8-616
Jackson <i>v.</i> (W. Va.).....	6-455
King <i>v.</i> (Va.).....	23-701
Kirk <i>v.</i> (W. Va.).....	4-105
McDonald <i>v.</i> (Va.).....	8-552
<i>v.</i> Marpole (Va.).....	16-291
<i>v.</i> Marshall (Va.).....	2-220, 221
<i>v.</i> Old Dominion Baggage Co. (Va.).....	20-479
<i>v.</i> Pinnacle Coal Company (W. Va.).....	10-358
<i>v.</i> Reeves (Va.).....	16-166
<i>v.</i> Shott (Va.).....	2- 17
Smith <i>v.</i> (W. Va.).....	17-108
<i>v.</i> Stevens (Va.).....	16-468
Tucker <i>v.</i> (Va.).....	3-651
<i>v.</i> Wood (Va.).....	21-317
Norfolk, etc., R. Co. <i>v.</i> Ampey (Va.).....	5-706, 707
Eckles <i>v.</i> (Va.).....	5-707
<i>v.</i> McGarry (W. Va.).....	6-787
Norman, Weir <i>v.</i> (U. S.).....	13-861
Norris <i>v.</i> Baltimore & O. S. W. R. Co. (C. C. A.).....	22-806
North Baltimore Pass. R. Co. <i>v.</i> Arnreich (Md.).....	1-270, 278
North Carolina R. Co., City of Raleigh <i>v.</i> (N. Car.).....	23-953
Coley <i>v.</i> (N. Car.).....	21-891, 23-885
Harden <i>v.</i> (N. Car.).....	23-895
Moss <i>v.</i> (N. Car.).....	12- 19
Pierce <i>v.</i> (N. Car.).....	13-666
North Chicago St. R. Co. <i>v.</i> Eldridge (Ill.).....	2-299, 301, 385
<i>v.</i> Wiswell (Ill.).....	9-377
North Hampton & H. R. Co., Wright <i>v.</i> (N. Car.).....	10-151
North Hudson County R. Co. <i>v.</i> Flanagan (N. J.).....	1-265
North Jersey St. Ry. Co., McGrath <i>v.</i> (N. J.).....	22-790
<i>v.</i> Schwartz (N. J.).....	22-620
North & South St. R. Co., Outen <i>v.</i> (Ga.).....	2-258
Northeastern R. Co., Chamberlain <i>v.</i> (S. Car.).....	1-694
Interstate Commerce Commission <i>v.</i> (S. Car.).....	4-235
Nohrden <i>v.</i> (S. Car.).....	13-557, 20-241
Northern Alabama Ry. Co. <i>v.</i> Hopkins (C. C. A.).....	11-695
Northern Cent Ry. Co., Bague <i>v.</i> (Pa.).....	15-594
<i>v.</i> Harrisburg & M. Electric R. Co. (Pa.).....	6-151
<i>v.</i> Medairy (Md.).....	7-526
People, Bacon, Commissioner <i>v.</i> (N. Y.).....	21-192
Northern Counties Inv. Trust, Limited, <i>v.</i> Enyard (Wash.).....	20-830

Northern Ohio Ry. Co. <i>v.</i> Commissioners of Hancock County (Ohio).....	18-767
Northern Pac. Exp. Co., <i>Thomas v.</i> (Minn.).....	11-121
Northern Pac. Ry. Co., <i>Adams v.</i> (Wash.).....	15-784
Barden <i>v.</i> (U. S.).....	1-512
Barker <i>v.</i> (C. C. A.).....	2-389, 414
Beaumont <i>v.</i> (C. C. A.).....	22-470
Braun <i>v.</i> (Minn.).....	17-139
Carpenter <i>v.</i> (C. C. A.).....	5-712, 713
Casey <i>v.</i> (Wash.).....	7-599
<i>v.</i> Charles (U. S. C. C.).....	4-128
<i>v.</i> De Lacy (U. S.).....	1-596, 657
<i>v.</i> Egeland (U. S.).....	4-259
<i>v.</i> Ely (Wash.).....	22-90
Farmers' Loan & Trust Co. <i>v.</i> (U. S.).....	3-450
Farmers' Loan & Trust Co. <i>v.</i> (C. C. A.).....	9-81
<i>v.</i> Freeman (U. S.).....	15-89
Haner <i>v.</i> (Idaho).....	19-628
<i>v.</i> Keyes (U. S.).....	13-128
<i>v.</i> Lewis (U. S.).....	4-258, 262
<i>v.</i> Mackey (C. C. A.).....	1-596
Malmstrom <i>v.</i> (Wash.).....	12-329
Mooers <i>v.</i> (Minn.).....	17-753
<i>v.</i> Musser Sawtry L. L. & M. Co. (C. C. A.).....	1-618
<i>v.</i> Myers, Treasurer of Jefferson County, Mont. (U. S.)..	15-391
Nicholson <i>v.</i> (Minn.).....	18-682
Olson <i>v.</i> (Minn.).....	23-352
<i>v.</i> Peterson (U. S.).....	4-117
<i>v.</i> Poirier (U. S.).....	8-759
Prosser <i>v.</i> (U. S.).....	1-717
Roberts <i>v.</i> (U. S.).....	3-106
Ryan <i>v.</i> (Wash.).....	11-647
Schneider <i>v.</i> (Minn.).....	19-314
Slavens <i>v.</i> (C. C. A.).....	16-406
Steele <i>v.</i> (Wash.).....	15-129
Thompson <i>v.</i> (C. C. A.).....	13-651
United States <i>v.</i> (U. S.).....	19-207
Yerkes <i>v.</i> (Wis.).....	23-642
Northrup, Provisional Municipality of Pensacola <i>v.</i> (C. C. A.)..	1-288
Northwestern Coal & Mining Co., Kansas & T. Coal Ry. Co. <i>v.</i> (Mo.) ..	20-593
Northwestern El. R. Co., <i>Davis v.</i> (Ill.).....	9-452
Northwestern Tel. Exch. Co. <i>v.</i> Chicago, M. & St. P. Ry. Co. (Minn.).....	13-449
Norton <i>v.</i> London & Northwestern R. Co. (Eng.)..	1-717
Norton & T. St. Ry. Co., <i>Vincent v.</i> (Mass.).....	23-543
Norwalk Tramway Co., <i>Horton v.</i> (Conn.).....	3-299
Norwood <i>v.</i> Galveston, H. & S. A. R. Co. (Tex.).....	3-395
Nosler <i>v.</i> Coos Bay, R. & E. R. & Nav. Co. (Ore.).....	22-719
Nugent, St. Louis & T. H. R. Co. <i>v.</i> (Ill.).....	1-716
Nyce, St. Louis, K. & S. W. R. Co. <i>v.</i> (Kan.).....	16-798
Nycum, Central Texas & N. W. R. Co. <i>v.</i> (Tex.).....	3-435
Oakes, Bronson <i>v.</i> (C. C. A.).....	9-166
Gulf, C. & S. F. Ry. Co. <i>v.</i> (Tex.).....	19-395
<i>v.</i> Maine Cent. R. Co. (Me.).....	22-190
Oakland Consol. St. R. Co., <i>Fox v.</i> (Cal.).....	9-825
Redfield <i>v.</i> (Cal.).....	3-430, 432
Oakland, S. L. & H. Electric Ry., <i>Siemens v.</i> (Cal.).....	23-564
O'Beirne <i>v.</i> Alleghany & K. R. Co. (N. Y.).....	10-860
O'Bryan, Nashville St. R. R. <i>v.</i> (Tenn.).....	22-902
Ocala St. & S. R. Co., Florida Cent. & P. R. Co. <i>v.</i> (Fla.).....	7-686
Ocean City R. Co., State (West Jersey & S. R. Co., Pros.), <i>v.</i> (N J.).....	10-421
Thompson <i>v.</i> (N. J.).....	7-779
Och <i>v.</i> Missouri, Kansas & Texas R. Co. (Mo.) ..	2-343

Ochiltree <i>v.</i> Chicago & N. W. R. Co. (Iowa).....	9- 30
O'Connell, Illinois Cent. R. Co. <i>v.</i> (Ill.).....	4-260
<i>v.</i> St. Paul City R. Co. (Minn.).....	4- 60
O'Connor, Chicago, Burlington & Quincy R. Co. <i>v.</i> (Neb.)	1- 51
Illinois Cent. R. Co. <i>v.</i> (Ill.).....	20-816
<i>v.</i> Scranton Traction Co. (Pa.).....	6-650
Oddie <i>v.</i> Mendenhall (Minn.).....	22-880
Odeneal, Alabama & V. R. Co. <i>v.</i> (Miss.).....	3-436, 449
Alabama, etc., R. Co. <i>v.</i> (Miss.).....	7-770
Odill, Louisville & N. R. Co. <i>v.</i> (Tenn.)	2-647
Odum, Little Rock, etc., R. Co. <i>v.</i> (Ark.).....	6-773
Ogden City St. R. Co., Hall <i>v.</i> (Utah).....	4- 77
Ogletree, Central Railroad & Banking Co. <i>v.</i> (Ga.).....	2-382
Oherfelder <i>v.</i> Metropolitan El. R. Co. (N. Y.).....	1-349
Ohio & M. R. Co., Kentucky Wagon Manufacturing Co. <i>v.</i> (Ky.)..	2-722
<i>v.</i> Tabor (Ky.).....	2-541, 543
Ohio River Co., Guinn <i>v.</i> (W. Va.).....	13-437
Ohio River & C. Ry. Co., Bradley <i>v.</i> (N. Car.).....	18-340
Sims <i>v.</i> (S. Car.).....	15-666
Ward <i>v.</i> (S. Car.).....	12-854
Ohio River R. Co., Gunn <i>v.</i> (W. Va.).....	6-275
McCreery <i>v.</i> (W. Va.).....	8-755, 20-875
Oliver <i>v.</i> (W. Va.).....	6-783, 784
Sheets <i>v.</i> (W. Va.).....	2-129
Teel <i>v.</i> (W. Va.).....	21- 20
Ohio Valley Banking & Trust Co., Western & A. R. Co. <i>v.</i> (Ga.)..	15-839
Ohio Valley R. Co. <i>v.</i> McKinley (Ky.).....	3-439, 443
Ohio Valley R. Co.'s Receiver <i>v.</i> Young (Ky.).....	8-399
O'Keefe, Illinois Cent. R. Co. <i>v.</i> (Ill.).....	9-611
Old Colony R. Co., Brady <i>v.</i> (Mass.).....	2-280
Foss <i>v.</i> (Mass.).....	11- 41
Johnsen <i>v.</i> (R. I.).....	1- 64
<i>v.</i> Rockland & Abington St. R. Co. (Mass.).....	1-179
Old Colony R. R., McGeary <i>v.</i> (R. I.)	14-764
Old Dominion Baggage Co., Norfolk & W. Ry. Co. <i>v.</i> (Va.).....	20-479
O'Leary, New York, N. H. & H. R. Co. <i>v.</i> (C. C. A.).....	14-718
Olin <i>v.</i> Denver & R. G. R. Co. (Colo.).....	10-708
Oliver <i>v.</i> Ohio River R. Co. (W. Va.).....	6-783, 784
O'Loughlin <i>v.</i> Boston & M. R. Co. (Mass.).....	2-160
Olson <i>v.</i> Chicago G. W. Ry. Co. (Minn.).....	15-837
<i>v.</i> Great Northern R. Co. (Minn.).....	7-241
<i>v.</i> Minneapolis & St. L. R. Co. (Minn.).....	14-770
<i>v.</i> Northern Pac. Ry. Co. (Minn.).....	23-352
<i>v.</i> Pennsylvania & O. Fuel Co. (Minn.).....	15-837
Olympia Door & Lumber Co., Patton <i>v.</i> (Wash.)	5- 13
Omaha & C. B. Railway & Bridge Co., Bixby <i>v.</i> (Iowa).....	13-748
Omaha, Hutchinson & Gulf R. Co., C. G. Larned Mercantile Real Estate & Live Stock Co. <i>v.</i> (Kan.).....	3- 23
<i>v.</i> Doney (Kan.).....	3-144
Omaha, K. C. & E. Ry. Co., Rinard <i>v.</i> (Mo.).....	22- 34
Omaha & R. V. Ry. Co. <i>v.</i> Chollette (Neb.).....	2-225, 386, 388
<i>v.</i> Granite State Fire Ins. Co. (Neb.).....	14-140
<i>v.</i> Kraysenbuhl (Neb.).....	4-483
<i>v.</i> Wright (Neb.).....	4-9, 5-419
Omaha & St. L. R. Co., Cambron <i>v.</i> (Mo.).....	23-634
Mackrall <i>v.</i> (Iowa).....	19- 59
Schurr <i>v.</i> (Iowa).....	5-152
Omaha St. Ry. Co. <i>v.</i> Cameron (Neb.)	1-258, 278
<i>v.</i> Duvall (Neb.).....	1-253, 269, 270
<i>v.</i> Emminger (Neb.).....	12-188
<i>v.</i> Lochneisen (Neb.).....	1-273
<i>v.</i> Martin (Neb.).....	4- 1
Pray <i>v.</i> (Neb.).....	2-222, 299, 444, 445
O'Melia, Atchison, Topeka & Santa Fe Railroad Co. <i>v.</i> (Kan.)..	2-257
Omnibus Cable Co., Finkeldey <i>v.</i> (Cal.).....	5-395

O'Neal, Houston & T. C. R. Co. <i>v.</i> (Tex.).....	12-374
O'Neill, Chicago, R. I. & P. R. Co. <i>v.</i> (Neb.).....	13-371
<i>v.</i> Chicago, R. I. & P. R. Co. (Neb.).....	22-578
<i>v.</i> Great Northern Ry. Co. (Minn.).....	17-415
Opinion of the Justices, In re (N. H.).....	3-447
Oregon & C. R. Co., Abraham <i>v.</i> (Ore.).....	17-250
<i>v.</i> Jackson County (Ore.).....	22- 98
Oregon C. R. Co. <i>v.</i> United States (C. C. A.).....	1-501
Oregon Pac. R. Co., Farmers' Loan, etc., Co. <i>v.</i> (Ore.).....	7-780
Oregon Railway & Navigation Co., Cederson <i>v.</i> (Ore.)....	21-624, 22-655
Mosier <i>v.</i> (Ore.).....	21-508
Williamette Iron Works <i>v.</i> (Ore.).....	1- 36
Oregon R. Co., Hecker <i>v.</i> (Ore.).....	23- 33
Oregon Short-Line R. Co., Jones <i>v.</i> (Idaho).....	14- 26
Nichols <i>v.</i> (Utah).....	23-654
Patrie <i>v.</i> (Idaho).....	14- 39
Postal Tel. Cable Co. of Utah <i>v.</i> (Utah).....	22-273
Williams <i>v.</i> (Utah).....	12- 61
Oregon, etc., R. Co., Dillon <i>v.</i> (Ore.).....	5-713
<i>v.</i> Frost (U. S.).....	5-707
O'Reilly, Boston & Albany R. Co. <i>v.</i> (U. S.).....	2-377
<i>v.</i> New York El. R. Co. (N. Y.).....	3-432
Orleans & J. Ry. Co. <i>v.</i> Jefferson & L. P. Ry. Co. (La.).....	16-699
O'Rourke <i>v.</i> Lindell R. Co. (Mo.).....	9-675
Orr <i>v.</i> Cedar Rapids & M. C. R. Co. (Iowa).....	1-239
Texas & P. R. Co. <i>v.</i> (Tex.).....	2-211
Osborne, Chesapeake & O. R. Co. <i>v.</i> (Ky.).....	2-157
<i>v.</i> Chicago & W. M. R. Co. (Mich.).....	8-297
Railroad Co. <i>v.</i> (U. S.).....	5-703
<i>v.</i> State of Florida (U. S.).....	6-795
<i>v.</i> Wabash R. Co. (Mich.).....	20-569
Oskamp <i>v.</i> Southern Exp. Co. (Ohio).....	17-334
Ostman, New York, C. & St. L. R. Co. <i>v.</i> (Ind.).....	6-588
Ostrander, St. Louis & S. F. R. Co. <i>v.</i> (Ark.).....	16-197
Otis, State <i>v.</i> (Kan.).....	12-850
Outen <i>v.</i> North & South St. R. Co. (Ga.).....	2-258
Outerbridge, Downing <i>v.</i> (C. C. A.).....	10-861
Overfield, Missouri, K. & T. Ry. Co. of Texas <i>v.</i> (Tex. Civ. App.)	12-207
Overtoom <i>v.</i> Chicago & E. I. R. Co. (Ill.).....	15-849
Oviatt <i>v.</i> Railway Co. (Minn.).....	5-694
Owen <i>v.</i> Jones (C. C. A.).....	17-548
<i>v.</i> St. Paul, M. & M. R. Co. (Wash.).....	3-32, 169
Owensboro & N. Ry. Co., City of Owensboro <i>v.</i> (Ky.).....	8-155
<i>v.</i> Courts (Ky.).....	19-125
Owensboro, etc., R. Co. <i>v.</i> Barker (Ky.).....	6-791
Owings, Atlanta Consolidated St. R. Co. <i>v.</i> (Ga.).....	5- 1
Oyster, Chicago, B. & Q. R. Co. <i>v.</i> (Neb.).....	12-655
Pace, Kansas City, P. & G. Ry. Co. <i>v.</i> (Ark.).....	21-433
Pacific Coast R. Co., Rosenberger <i>v.</i> (Cal.).....	3-436, 437
Pacific Transfer Co., Merrill <i>v.</i> (Cal.).....	21-143
Paddock <i>v.</i> Missouri Pac. Ry. Co. (Mo.).....	17-310
Paducah Railway & Light Co., Floyd <i>v.</i> (Ky.).....	23-167
Paducah St. Ry. Co., Macon <i>v.</i> (Ky.).....	22-614
Page <i>v.</i> Chicago, St. Paul, Minneapolis & Omaha R. Co. (S. Dak.).....	2-622
<i>v.</i> Louisville & N. R. Co. (Ala.).....	21- 1
Pahlan <i>v.</i> Detroit, G. H. & M. Ry. Co. (Mich.).....	16-309
Paine, Canton A. & N. R. Co. <i>v.</i> (Miss.).....	3-453
Palmer, Great Northern R. Co. <i>v.</i> (Eng.).....	2- 99
<i>v.</i> Winona Railway & Light Co. (Minn.).....	22-696
Paris, M. & S. P. R. Co. <i>v.</i> Nesbitt (Tex.).....	3-448
Parish <i>v.</i> Western & A. R. Co. (Ga.).....	10-574
Park, Louisville R. Co. <i>v.</i> (Ky.).....	2-211, 212, 221, 384, 385, 389
Parker <i>v.</i> Elmira, C. & N. R. Co. (N. Y.).....	20-344
Kansas City, P. & G. R. Co. <i>v.</i> (Ark.).....	22-441

Parker <i>v.</i> New York Cent. & H. R. R. Co. (N. Y.).....	10-614
<i>v.</i> Norfolk & C. R. Co. (N. Car.).....	6-716, 14-844
<i>v.</i> South Carolina & G. R. Co. (S. Car.).....	6-731
<i>v.</i> Winona & St. P. R. Co. (Minn.).....	21-594
Parkinson, Chicago, K. & N. R. Co. <i>v.</i> (Kan.).....	3-464
Parks, Chicago, R. I. & P. Ry. Co. <i>v.</i> (Kan.).....	14-808
Parlier <i>v.</i> Southern Ry. Co. (N. Car.).....	23-559
Parmer, St. Louis & San Francisco R. Co. <i>v.</i> (Tex.).....	2-544
Parrott <i>v.</i> Mercantile Trust Co. (C. C. A.).....	22-209
Patchen, Louisville, N. A. & C. R. Co. <i>v.</i> (Ill.).....	10-852
Paterson, N. & N. Y. R. Co., Mayor, etc., of City of Newark <i>v.</i> (N. J.).....	10-182
Patnoudé <i>v.</i> New York, N. H. & H. R. Co. (Mass.).....	23-860
Patrie <i>v.</i> Oregon Short-Line R. Co. (Idaho).....	14-39
Patten & S. R. Co., Gillin <i>v.</i> (Me.).....	16-508
Patterson <i>v.</i> Augusta & Savannah R. Co. (Ga.).....	2-342
<i>v.</i> Townsend (Iowa).....	1-262, 273
Patteson <i>v.</i> Chesapeake & O. R. Co. (Va.).....	6-389
Patton, E. M., Plff. in Err., <i>v.</i> Texas & Pacific Railway Company (U. S.).....	20-48
Patton <i>v.</i> Olympia Door & Lumber Co. (Wash.).....	5-13
Paul, St. Louis, I. M. & S. Ry. Co. <i>v.</i> (U. S.).....	12-755
Pavey, Southern Kansas R. Co. <i>v.</i> (Kan.).....	5-590
Pawtucket Street R. Co., Sanford <i>v.</i> (R. I.).....	4-318
Paxson, Fisher <i>v.</i> (Pa.).....	8-516
Paxson, Receivers of the Phila. & Read. R. Co., Sharer <i>v.</i> (Pa.)..	2-429
Payne <i>v.</i> Chicago & A. R. Co. (Mo.).....	6-291
Chicago North Shore St. Ry. Co. <i>v.</i> (Ill.).....	23-706
<i>v.</i> Nashville, C. & St. L. Ry. Co. (Tenn.).....	22-677
<i>v.</i> Spokane St. R. Co. (Wash.).....	6-773
Pearsall <i>v.</i> Great Northern R. Co. (U. S.).....	3-503
Peck <i>v.</i> New York Cent. & H. R. R. Co. (N. Y.).....	22-808
Peet Bros. Manufacturing Co., Union Terminal R. Co. <i>v.</i> (Kan.)..	13-851
Peirce <i>v.</i> Van Dusen (U. S.).....	7-1
Pelzer, South Covington C. St. R. Co. <i>v.</i> (Ky.).....	10-833
Pence <i>v.</i> Louisville & N. R. Co. (Ky.).....	23-807
Pendery, Gulf, Colorado & Santa Fe Railway Co. <i>v.</i> (Tex.).....	2-301, 318, 319
Peninsular R. Co., Bateman <i>v.</i> (Wash.).....	12-678
Peninsular Stove Co., Fort St. Union Depot Co. <i>v.</i> (Mich.).....	3-30
Pennison <i>v.</i> Chicago, M. & St. P. R. Co. (Wis.).....	4-573
Pennsylvania Co., Bond <i>v.</i> (Ill.).....	10-118
<i>v.</i> City of Chicago (Ill.).....	15-618
<i>v.</i> Ebaugh (Ind.).....	4-200, 14-701
<i>v.</i> Kenwood (Ill.).....	9-556
<i>v.</i> Liveright (Ind.).....	2-455, 3-427
Pennsylvania & O. Fuel Co., Olson <i>v.</i> (Minn.).....	15-837
Pennsylvania, Poughkeepsie & Boston R. Co. <i>v.</i> Trimmer (N. J.)	3-137
Pennsylvania R. Co., Allan <i>v.</i> (Pa.).....	10-347
Baker <i>v.</i> (Pa.).....	9-824
Barkman <i>v.</i> (N. J.).....	12-250
Benignia <i>v.</i> (Pa.).....	20-486
Brown & Haywood Co. <i>v.</i> (Minn.).....	2-640
Burnett <i>v.</i> (Pa.).....	4-449
Burr <i>v.</i> (N. J.).....	16-162
Dampman <i>v.</i> (Pa.).....	2-219, 383
Foreman <i>v.</i> (Pa.).....	17-246
Fox <i>v.</i> (Pa.).....	18-198
Goodhart <i>v.</i> (Pa.).....	5-364
Grimmer <i>v.</i> (Pa.).....	3-609
Hanson <i>v.</i> (N. J.).....	12-404
Hill <i>v.</i> (Pa.).....	8-229
Hovenden <i>v.</i> (Pa.).....	6-778
In re (N. J.).....	22-178
<i>v.</i> Jones (U. S.).....	2-389

Pennsylvania R. Co., <i>Kerrigan v. (Pa.)</i>	16-835
<i>Knowles v. (Pa.)</i>	6-781
<i>Laib v. (Pa.)</i>	8-150
<i>Lewis v. (N. J.)</i>	3-413
<i>v. Lyons (Pa.)</i>	2-259
<i>McAnally v. (Pa.)</i>	17-741
<i>McCafferty v. (Pa.)</i>	16-122
<i>McCusker v. (Pa.)</i>	21-351
<i>McFarlan v. (Pa.)</i>	22- 16
<i>McNulty v. (Pa.)</i>	8-685
<i>Marchant v. (U. S.)</i>	3- 31
<i>v. Martin (C. C. A.)</i>	23-449
<i>v. Montgomery County Passenger R. Co. (Pa.)</i>	1-190
<i>v. National Docks Co. (N. J.)</i>	4-256
<i>National Docks & N. J. J. C. R. Co. v. (N. J.)</i>	3-82, 98, 132, 133, 169, 170
<i>v. National Docks & N. J. J. C. R. Co. (N. J.)</i>	3-132, 166
<i>v. Pfuelb (N. J.)</i>	7-738
<i>Rathgebe v. (Pa.)</i>	6-288
<i>Robertson v. (Pa.)</i>	7-605
<i>Robinson v. (Pa.)</i>	3-26, 27
<i>Rothstein v. (Pa.)</i>	2-258, 262
<i>Simmons v. (Pa.)</i>	21-466
<i>v. Snyder (Ohio)</i>	7-768, 769, 775
<i>v. Stewart (U. S.)</i>	2-389
<i>Stricker v. (N. J.)</i>	7-758
<i>Van Doren v. (C. C. A.)</i>	13-577
<i>Victor v. (Pa.)</i>	2-257, 259
<i>Welsh v. (Pa.)</i>	14-569
<i>Wilson v. (Pa.)</i>	5-491
<i>Wilson v. (N. J.)</i>	16-835
<i>Wood v. (Pa.)</i>	5-672
Pennsylvania Schuylkill Valley R. Co. <i>v. Philadelphia & R.</i>	
<i>R. Co. (Pa.)</i>	1-26, 46
<i>v. Schuylkill Nav. Co. (Pa.)</i>	3- 27
<i>Spring City G. L. Co. v. (Pa.)</i>	3-131, 164, 166, 167
<i>Taylor v. (Pa.)</i>	4-258
Pennsylvania, etc., <i>R. Co., Bard v. (Pa.)</i>	5-717
Pennsylvania Steel Co. <i>v. Georgia Railroad & Banking Co. (Ga.)</i> ..	2-685
Penny <i>v. N. Y. Cent. & H. R. R. Co. (N. Y.)</i>	12-180
Penrod, <i>Louisville & N. R. Co. v. (Ky.)</i>	17-759
People, <i>Bacon, Commissioner, v. Northern Cent. Ry. Co. (N. Y.)</i> ..	21-192
People, <i>Cantrell v. St. Louis, A. & T. H. R. Co. (Ill.)</i>	6-241, 12-227
People <i>v. Craycroft (Cal.)</i>	3-655
<i>Delaware, L. & W. R. Co. v. Clapp (N. Y.)</i>	8- 95
<i>v. Detroit Citizens' St. Ry. Co. (Mich.)</i>	11-798
<i>Frost v. New York Cent. & H. R. R. Co. (N. Y.)</i>	23-175
<i>Jett, Cleveland, C. C. & St. L. Ry. Co. v. (Ill.)</i>	14-846
<i>Loughran v. Board of Railroad Com'rs of State of New</i>	
<i>York (N. Y.)</i>	15-441
<i>New York Cent. & H. R. R. Co. v. Morgan, Comptroller,</i>	
<i>(N. Y.)</i>	22-527
<i>v. President, etc., of Delaware & H. Canal Co. (N. Y.)</i> ..	20-688
<i>v. Rathbone (N. Y.)</i>	2-167
<i>Tyroler v. Warden of City Prison of City of New York</i>	
<i>(N. Y.)</i>	14-474
People of the State of Illinois, <i>Jett, Cleveland, Cincinnati, Chi-</i>	
<i>cago & St. Louis Railway Co. v. (U. S.)</i>	17-227
People of the State of New York, <i>Adirondack Railway Company</i>	
<i>v. (U. S.)</i>	18-348
<i>New York, N. H. & H. R. Co. v. (U. S.)</i>	8-172
People's Pass. R. Co., <i>Flanagan v. (Pa.)</i>	1-268
People's St. R. Co., <i>Jagger v. (Pa.)</i>	8-771
People's St. R., etc., <i>Co., Van Natta v. (Mo.)</i>	3-433

Peoria, Decatur, & Evansville Railway Company, Edward O. Hopkins, Receiver of the Peoria, Decatur, & Evansville Railway Company, and George Colvin, Louis J. Gableman, Jr., by His Next Friend, Louis J. Gableman, Sr., Plff. in Err., <i>v.</i> (U. S.)	20-505
Pere Marquette R. Co., Michigan Cent. R. Co. <i>v.</i> (Mich.)	23-864
Perkerson, Central of Georgia Ry. Co. <i>v.</i> (Ga.)	21- 63
Perkins <i>v.</i> Boston & A. R. Co. (Mass.)	13-601
Perry, Humphreys <i>v.</i> (U. S.)	2-472
<i>v.</i> Macon Consol. St. R. Co. (Ga.)	10-819
<i>v.</i> Malarin (Cal.)	2-219
<i>v.</i> Western North Carolina R. Co. (N. Car.)	21-659
Perth General Station Committee <i>v.</i> Ross (Eng.)	8-639
Peter <i>v.</i> Chicago & W. M. Ry. Co. (Mich.)	15-541
Peterson, Atchison, etc., R. Co. <i>v.</i> (Kan.)	8-772
Baltimore & O. S. W. Ry. Co. <i>v.</i> (Ind.)	20-887
Lake Shore & M. S. R. Co. <i>v.</i> (Ind.)	3-427
Northern Pac. R. Co. <i>v.</i> (U. S.)	4-117
<i>v.</i> St. Louis, I. M. & S. Ry. Co. (Mo.)	18-161
Petty <i>v.</i> Brunswick & W. Ry. Co. (Ga.)	16-840
Peyton, Southern Indiana Ry. Co. <i>v.</i> (Ind.)	23-343
Pfaffenback <i>v.</i> Lake Shore & M. S. R. Co. (Ind.)	2-318
Pfuelb, Pennsylvania R. Co. <i>v.</i> (N. J.)	7-738
Pharr <i>v.</i> Southern R. Co. (N. Car.)	6-726
Phelps <i>v.</i> Chicago & W. M. Ry. Co. (Mich.)	16-302, 20-137
Philadelphia & B. C. R. Co. <i>v.</i> Holden (Md.)	22-192
Philadelphia & D. C. R. Co., Struthers <i>v.</i> (Pa.)	4-207
Philadelphia, Frankford, etc., R. Co. <i>v.</i> (Pa.)	4-265
Philadelphia, H. & P. R. Co., Carlisle & Mt. H. Ry. Co. <i>v.</i> (Pa.)	22-754
Philadelphia <i>v.</i> McManes (Pa.)	3-652
Philadelphia, R. & N. E. R. Co., Guarantee Trust & Safe Deposit Co. <i>v.</i> (Conn.)	12-872
Philadelphia & R. Ry. Co., Bachman <i>v.</i> (Pa.)	13-563
Bard <i>v.</i> (Pa.)	21-782
Born <i>v.</i> (Pa.)	22-723
Commercial Ice Co. <i>v.</i> (Pa.)	19-171
Faust <i>v.</i> (Pa.)	15-146
Martin <i>v.</i> (Pa.)	23-170
Pennsylvania Schuylkill Valley R. Co. <i>v.</i> (Pa.)	1-26, 46
Platt <i>v.</i> (C. C. A.)	10-169
Proud <i>v.</i> (N. J.)	18-633
Ritzman <i>v.</i> (Pa.)	12-444
Schaeffer <i>v.</i> (Pa.)	2-544, 545
Stahler <i>v.</i> (Pa.)	21-815
<i>v.</i> State (N. J.)	9-241
Philadelphia & R. T. R. Co., Becker <i>v.</i> (Pa.)	6-174
Boteler <i>v.</i> (Pa.)	3-130, 132, 167
Philips <i>v.</i> (Pa.)	10-706
Philadelphia Traction Co., Brashear <i>v.</i> (Pa.)	6-794
Dixey <i>v.</i> (Pa.)	8-294
Harper <i>v.</i> (Pa.)	4-257
Kierzenkowski <i>v.</i> (Pa.)	9-533
<i>v.</i> Lightcap (C. C. A.)	1-271
Lumis <i>v.</i> (Pa.)	10-847
Mann <i>v.</i> (Pa.)	4-260
Moss <i>v.</i> (Pa.)	6-690
Reilly <i>v.</i> (Pa.)	5-399
Philadelphia, W. & B. R. Co. <i>v.</i> Burkhardt (Md.)	5-189
Chester Traction Co. <i>v.</i> (Pa.)	12-428
Coburn <i>v.</i> (Pa.)	20- 34
Coppuck <i>v.</i> (Pa.)	15- 68
Flanagan <i>v.</i> (Pa.)	8-119
Knopf <i>v.</i> (Del.)	20-172
Price <i>v.</i> (Md.)	7-115

Philadelphia, W. & B. R. Co., <i>Reidel v.</i> (Md.).....	10- 91
<i>Roos v.</i> (Pa.).....	21-856
<i>Smith v.</i> (Md.).....	10-264
<i>Tully v.</i> (Del.).....	20-322, 23-209
<i>Weldon v.</i> (Del.).....	13-759
<i>v. Wilmington City R. Co.</i> (Del.).....	9-493
Philadelphia, etc., R. Co., <i>City of Philadelphia v.</i> (Pa.).....	5-720
<i>Forrest v.</i> (Pa.).....	4-256
Philips <i>v. Philadelphia & R. T. R. Co.</i> (Pa.)	10-706
Phillips <i>v. Detroit, G. H. & M. R. Co.</i> (Mich.).....	6-319
<i>v. Georgia R. & B. Co.</i> (Ga.).....	2-110
<i>Georgia R. & B. Co. v.</i> (Ga.).....	2-473
Phillipsburg Horse Car Co. <i>v. Fidelity & Casualty Co.</i> (Pa.)....	2-415
Philpott <i>v. Pennsylvania R. Co.</i> (Pa.).....	5-471
Phipps <i>v. Kansas & C. P. R. Co.</i> (Kan.).....	7-247
<i>Kansas, etc., R. Co. v.</i> (Kan.).....	5-698, 699
Pickett <i>v. Railroad Co.</i> (N. Car.)	5-710
Pier <i>v. Chicago, M. & St. P. R. Co.</i> (Wis.).....	5-407
Pierce <i>v. Bangor & A. R. Co.</i> (Me.).....	18-533
<i>v. Camden, G. & W. R. Co.</i> (N. J.).....	5-548
<i>v. North Carolina R. Co.</i> (N. Car.).....	13-666
<i>v. Southern Pac. Co.</i> (Cal.).....	7-564, 10-88
<i>Tennessee Coal, Iron & R. Co. v.</i> (C. C. A.).....	8-742
<i>v. Walters</i> (Ill.).....	8-672
Pilgrim, Denver & R. G. R. Co. <i>v.</i> (Colo.).....	8-249
Pine Creek R. Co., <i>Brown v.</i> (Pa.).....	8-693
Pinnacle Coal Co., <i>Norfolk & Western R. Co. v.</i> (W. Va.).....	10-358
Piper <i>v. New York Cent. & H. R. R. Co.</i> (N. Y.).....	11-202
<i>West Chicago St. R. Co. v.</i> (Ill.).....	9-147
Piskorowski <i>v. Detroit, G. H. & M. Ry. Co.</i> (Mich.).....	19-120
Pittman, Louisville & N. R. Co. <i>v.</i> (Ky.).....	18-329, 23-55
Pitts <i>v. Florida Cent., etc., R. Co.</i> (Ga.).....	8-762
Pittsburgh A. & M. Traction Co., <i>Cleary v.</i> (Pa.).....	6-316
<i>Downey v.</i> (Pa.).....	1-263, 276
<i>Dunseath v.</i> (Pa.).....	1-278
<i>Harkins v.</i> (Pa.).....	3-302, 430
<i>Julius v.</i> (Pa.).....	9-523
Pittsburgh, B. & L. E. R. Co., <i>Hamilton v.</i> (Pa.).....	13-376
Pittsburgh & B. Traction Co., <i>Bamford v.</i> (Pa.).....	22-798
<i>Schenkel v.</i> (Pa.).....	22-904
Pittsburgh, C., C. & St. L. Ry. Co. <i>v. Beck</i> (Ind.).....	13-353
<i>v. City of Indianapolis</i> (Ind.).....	11-689
<i>Coleman v.</i> (Ky.).....	21-453
<i>v. Cox</i> (Ohio).....	7-152
<i>Coyle v.</i> (Ind.)	22-874
<i>Enochs v.</i> (Ind.).....	5-349
<i>Helman v.</i> (Ohio).....	11-641
<i>v. Hood</i> (C. C. A.).....	15-648
<i>v. Hosea</i> (Ind.).....	14-692
<i>v. Indiana Horseshoe Co.</i> (Ind.).....	18- 83
<i>Krenzer v.</i> (Ind.).....	12-343
<i>v. Lewis</i> (Ky.).....	6-333
<i>v. Mahony</i> (Ind.).....	8-441
<i>v. Martin</i> (Ind.).....	23-485
<i>v. Montgomery</i> (Ind.).....	9-792
<i>v. Moore</i> (Ind.).....	14-678
<i>v. Russ</i> (C. C. A.).....	2-141
<i>Russell v.</i> (Ind.).....	23-601
<i>v. Sheppard</i> (Ohio).....	6-528
<i>v. Strickley</i> (Ind.).....	20-148
<i>v. Town of Crown Point</i> (Ind.).....	6-324
<i>Wald v.</i> (Ill.).....	5- 70
<i>Zahn v.</i> (Pa.).....	9-411
Pittsburg & C. S. R. Co., <i>Dennis v.</i> (Pa.).....	2-108, 110, 220, 389
Pittsburg, Ft. W. & C. R. Co. <i>v. Lyons</i> (Ill.).....	3-657

Pittsburg & H. Electric St. R. Co., Homestead St. R. Co. <i>v.</i> (Pa.).....	1-97, 98
Pittsburg, J., E. & E. R. Co. <i>v.</i> Altoona & B. C. R. Co. (Pa.)....	19-614
Pittsburg Junction R. Co., Enright <i>v.</i> (Pa.)	20-564
Pittsburg & K. Coal Co., Louisville & N. R. Co. <i>v.</i> (Ky.).....	23-332
Pittsburg & L. E. R. Co., Hamilton <i>v.</i> (Pa.).....	10- 70
Pittsburg, S. & N. R. Co., Kushequa R. Co. <i>v.</i> (Pa.).....	23-160
Pittsburg Traction Co., Laird <i>v.</i> (Pa.).....	2-161
Pittsburg, etc., Traction Co., Reber <i>v.</i> (Pa.).....	7-786
Pittsburg & West End Passenger R. Co. <i>v.</i> Point Bridge Co. (Pa.).....	1-209
Pittsburg & W. Ry. Co., Cookson <i>v.</i> (Pa.).....	6-339
Bredin <i>v.</i> (Pa.).....	1-718
Smith <i>v.</i> (Ohio).....	13-716
Platt, Archambeau <i>v.</i> (Mass.).....	15-249
McGinn <i>v.</i> (Mass.).....	19-245
<i>v.</i> Philadelphia & R. R. Co. (C. C. A.).....	10-169
Wall <i>v.</i> (Mass.).....	9-563
Plessy <i>v.</i> Ferguson (U. S.).....	4-277
Pletcher <i>v.</i> Scranton Traction Co. (Pa.)	10-715
Ploof <i>v.</i> Burlington Traction Co. (Vt.).....	13-702
Plunkett <i>v.</i> Central of Georgia Ry. Co. (Ga.)	13-860
Point Breeze F. & I. R. Co., Bergen Neck R. Co. <i>v.</i> (N. J.).....	3-29, 98
Point Bridge Co. <i>v.</i> Pittsburgh & West End Passenger R. Co. (Pa.).....	1-209
Point Defiance R. Co., Hinchman <i>v.</i> (Wash.).....	4-265
Poirier, Northern Pac. R. Co. <i>v.</i> (U. S.).....	8-759
Polk County, Comer <i>v.</i> (C. C. A.)	8-288
Pollock <i>v.</i> Maysville & B. S. R. Co. (Ky.).....	14-821
Pomeroy <i>v.</i> Boston & M. R. R. (Mass.).....	12-119
Pomponio <i>v.</i> New York, etc., R. Co. (Conn.)	4-259
Pontiac, O. & N. R. Co., Marshall <i>v.</i> (Mich.).....	20-341
Pool <i>v.</i> Southern Pac. Co (Utah).....	16-551
Southern Ry. Co. <i>v.</i> (Ga.).....	15-617
Port Blakely Mill Co. <i>v.</i> Garrett (C. C. A.).....	16-363
Port Jervis, M. & N. Y. R. Co., Van Inwegen <i>v.</i> (N. Y.).....	20-352
Port Richmond & P. P. El. R. Co. <i>v.</i> Staten Island R. T. Co. (N. Y.).....	1-229
Port Royal & W. C. R. Co., Madden <i>v.</i> (S. Car.)... 2-279, 280, 384, 385, 389	
Miami Powder Co. <i>v.</i> (S. Car.).....	4-426
Porter, Louisville, etc., R. Co. <i>v.</i> (Ind.).....	5-700
Porterfield, Chicago, R. I. & T. Ry. Co. <i>v.</i> (Tex.)....	12-383
Portland & G. E. Ry. Co., Watson <i>v.</i> (Me.).....	11-194
Portsmouth K. & Y. St. R. Co., Taylor <i>v.</i> (Me.)	10-215
Post <i>v.</i> Southern Ry. Co. (Tenn.).....	16-201
Postal Tel. Cable Co., Mobile & O. R. Co. <i>v.</i> (Tenn.)	10-867
Mobile & O. R. Co. <i>v.</i> (Ala.).....	13-423
Mobile & O. R. Co. <i>v.</i> (Miss.).....	18-364
Savannah, F. & W. Ry. Co. <i>v.</i> (Ga.).....	20-917
<i>v.</i> Southern Ry. Co. (N. Car.).....	13-417
Postal Tel. Cable Co. of Utah <i>v.</i> Oregon S. L. R. Co. (Utah)....	22-273
Posten, Chicago, R. I. & P. Ry. Co. <i>v.</i> (Kan.).....	11-138
Potter, Atchison, T. & S. F. Ry. Co. <i>v.</i> (Kan.).....	15-660
<i>v.</i> Detroit, G. H. & M. Ry. Co. (Mich.).....	16-264
<i>v.</i> Scranton Traction Co. (Pa.).....	4-307
Potts <i>v.</i> Quaker City Elevated R. Co. (Pa.).....	1-401
Pound, Georgia & A. Ry. Co. <i>v.</i> (Ga.).....	17-398
Pounds, Chicago, etc., R. Co. <i>v.</i> (Ind. Ter.).....	4-262
Powell <i>v.</i> Sherwood (Mo.).....	22- 53
Power, St. Louis, I. M. & S. Ry. Co. <i>v.</i> (Ark.).....	16- 1
Powers, Atchison, etc., R. Co. <i>v.</i> (Kan.).....	8-757
Prather, Southern Ry. Co. <i>v.</i> (Ala.).....	14-832
Pray <i>v.</i> Omaha St. R. Co. (Neb.)..... 2-222, 299, 444, 445	
Prescott <i>v.</i> Riverside, etc., R. Co. (Iowa).....	5-719
President, etc., of Delaware & H. Canal Co., Lewis <i>v.</i> (N. Y.)... 2-192	

President, etc., of Delaware & H. Canal Co., <i>People v.</i> (N. Y.)...	20-688
<i>Wieland v.</i> (N. Y.).....	21-130
Preston, Camden, G. & W. R. Co. <i>v.</i> (N. J.).....	5-616
Prewitt, Missouri Pac. Ry. Co. <i>v.</i> (Kan.).....	13-807
Price, Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	12-283
<i>v. Chesapeake & O. R. Co.</i> (W. Va.).....	14-399
<i>Chicago G. W. Ry. Co. v. (C. C. A.)</i>	16-324
<i>v. Philadelphia, W. & B. R. Co.</i> (Md.).....	7-115
<i>Walker v.</i> (Kan.).....	20-432
Priest, Cicero & P. St. Ry. Co. <i>v.</i> (Ill.).....	22-694
Prittie, Scottish American Inv. Co. <i>v.</i> (Can.).....	3-134
Procter <i>v.</i> Southern California Ry. Co. (C. C. A.).....	19- 77
Proctor <i>v.</i> Southern Ry. Co. (S. Car.).....	22-426
Prospect Park & C. I. R. Co. <i>v.</i> Coney Island & B. R. Co. (N. Y.)	1-222
Prosser <i>v.</i> Northern Pac. R. Co. (U. S.).....	1-717
Proud <i>v.</i> Philadelphia & R. R. Co. (N. J.).....	18-633
Provisional Municipality of Pensacola <i>v.</i> Northrup (C. C. A.)...	1-288
Provost <i>v.</i> Yazoo & M. V. R. Co. (La.).....	18-764
Ptacek, Chicago & W. I. R. Co. <i>v.</i> (Ill.).....	10-481
Puckhaber <i>v.</i> Southern Pac. Co. (Cal.).....	21-581
Pugh <i>v.</i> Chesapeake & O. R. Co. (Ky.).....	8-303
Southern R. Co. <i>v.</i> (Tenn.).....	8-756
Pughsley, Savannah & S. Ry. Co. <i>v.</i> (Ga.).....	22-446
Pullman Palace Car Co. <i>v.</i> Adams (Miss.).....	23-583
<i>Airey v.</i> (La.).....	11-836
<i>v. Central Transp. Co.</i> (C. C. Pa.).....	3-451
<i>Cooney v.</i> (Ala.).....	18-587
<i>Edmunson v.</i> (C. C. A.).....	14-336
<i>v. Hall</i> (Ga.).....	14-229
<i>Harriman v.</i> (C. C. A.).....	10-277
<i>v. Harvey</i> (Ga.).....	10- 77
<i>v. Hunter</i> (Ky.).....	17-204
<i>Kates v.</i> (Ga.).....	2-480
<i>v. Lawrence</i> (Miss.).....	8- 59
<i>v. Martin</i> (Ga.).....	2-475
Purcell <i>v.</i> Southern R. R. Co. (N. Car.).....	6-784, 785
Purdy, Lebanon, etc., Turnpike R. Co. <i>v.</i> (Ky.).....	7-778
Pyle <i>v.</i> Clark (Utah).....	5-156
<i>v. Clark</i> (C. C. A.).....	8-431
Quaker City Elevated R. Co., Potts <i>v.</i> (Pa.)...	1-401
Queen City Coal Co., Louisville & N. R. Co. <i>v.</i> (Ky.).....	4-389
Quick, Louisville & N. R. Co. <i>v.</i> (Ala.).....	20- 25
Quill, Houston & T. C. R. Co. <i>v.</i> (Tex.).....	12-736
Quimby <i>v.</i> Boston & M. R. R. (N. H.).....	12-517
<i>v. Boston & M. R. R.</i> (Vt.).....	19-242
Quinlan <i>v.</i> Chicago, R. I. & P. Ry. Co. (Iowa).....	21-385
Quinn <i>v.</i> Chicago, R. I. & P. Ry. Co. (Iowa).....	12-512
<i>v. Southern R. Co.</i> (Miss.).....	7-788
<i>Wichita & W. R. Co. v.</i> (Kan.).....	7-217
Quirouet <i>v.</i> Alabama G. S. R. Co. (Ga.).....	18-551
Radford, Illinois Cent. R. Co. <i>v.</i> (Ky.).....	23-124
Rafferty <i>v.</i> Erie R. Co. (N. J.).....	21-778
Rahilly <i>v.</i> St. Paul & D. R. Co. (Minn.).....	5-690
Rahn Township <i>v.</i> Tamaqua & L. St. R. Co. (Pa.).....	1-197, 198
Railey <i>v.</i> Garbutt (Ga.).....	20-211
Railroad Commissioners, New York & New England R. Co. <i>v.</i>	
(Mass.).....	1-660
Railroad Co., Baker <i>v.</i> (N. Car.).....	5-710
<i>v. Bouldin</i> (Ala.).....	5-708
<i>Chollette v.</i> (Neb.).....	2-388
<i>v. Connell</i> (Pa.).....	5-716
<i>v. Daniel</i> (Ga.).....	5-714
<i>Denmark v.</i> (N. Car.).....	5-710
<i>Dixon v.</i> (Eng.).....	5-700
<i>v. Fleetwood</i> (Ga.).....	5-694

Railroad Co., <i>Fleishman v. (Pa.)</i>	5-717
<i>Gorgas v. (Pa.)</i>	3-131
<i>v. George (Ala.)</i>	5-708
<i>Johnson v. (Pa.)</i>	2-259
<i>Lay v. (N. Car.)</i>	5-710
<i>McAdoo v. (N. Car.)</i>	5-710
<i>v. Miller (Ga.)</i>	5-714
<i>v. Osborne (C. C. A.)</i>	5-703
<i>Osborne v. (U. S.)</i>	5-703
<i>Oviatt v. (Minn.)</i>	5-694
<i>Pickett v. (N. Car.)</i>	5-710
<i>Roberts v. (Me.)</i>	3-439
<i>v. Schwindling (Pa.)</i>	5-716
<i>Scott v. (N. Car.)</i> ..	5-710
<i>v. Spearen (Pa.)</i>	5-715
<i>Tillett v. (N. Car.)</i>	5-710
<i>White v. (La.)</i>	1- 68
Railroad Equipment Co. <i>v. Mercantile Trust Co. (C. C. A.)</i>	22-144
<i>Metropolitan Trust Co. v. (C. C. A.)</i>	22-144
Railroad & Warehouse Commission <i>v. Minneapolis & St. L. R.</i> <i>Co. (Minn.)</i>	17-630
Raleigh & Augusta Air-Line R. Co., <i>Hinshaw v. (N. Car.)</i>	3-558
<i>Hygienic Plate-Ice Mfg. Co. v. (N. Car.)</i>	18- 78
<i>v. Sturgeon (N. Car.)</i>	8-272
Raleigh & C. F. R. Co., <i>Wilkie v. (N. Car.)</i>	19-295
Raleigh & G. R. Co. <i>v. Bradshaw (Ga.)</i>	22-572
<i>Cooper v. (Ga.)</i>	18-412
<i>v. Lowe (Ga.)</i>	10-398
Ranchau <i>v. Rutland R. Co. (Vt.)</i>	14-416
Randolph, Hunter <i>v. (N. Car.)</i>	22- 79
Ranney <i>v. St. Johnsbury & L. C. R. Co. (Vt.)</i>	2-283, 384
Ransom, Chicago, K. & W. R. Co. <i>v. (Kan.)</i>	3-259
Rapid Ry. Co., <i>Beath v. (Mich.)</i>	15-793
Raspberry, Tyler S. E. R. Co. <i>v. (Tex.)</i>	3-376
Rathbone, People <i>v. (N. Y.)</i>	2-167
Rathbun <i>v. New York, N. H. & H. R. Co. (R. I.)</i>	9-333
Rathgebe <i>v. Pennsylvania R. Co. (Pa.)</i>	6-288
Ratzer <i>v. Burlington, C. R. & N. R. Co. (Minn.)</i>	4- 55
Raub <i>v. Los Angeles T. R. Co. (Cal.)</i>	2-223, 224, 282
Ravenswood, S. & G. R. Co. <i>v. Town of Ravenswood (W. Va.)</i> ..	4-145
Rawson, Georgia & A. Ry. <i>v. (Ga.)</i>	19-463
Ray, Cowen <i>v. (C. C. A.)</i>	21-531
<i>Louisville & N. R. Co. v. (Tenn.)</i>	11-174
<i>Wabash R. Co. v. (Ind.)</i>	12-593
Raynor <i>v. Wilmington S. C. R. Co. (N. Car.)</i>	23-561
Reading City Pass. R. Co., <i>Berks County v. (Pa.)</i>	1-28, 213
<i>Johnson v. (Pa.)</i>	1-255, 264, 275
Reading Traction Co., <i>Rudgeair v. (Pa.)</i>	8-112
Reagan, Gulf C. & S. F. R. Co. <i>v. (Tex.)</i>	3-427, 433, 451
Reaves, Southern Ry. Co. <i>v. (Ala.)</i>	20-784
Reber <i>v. Pittsburg, etc., Traction Co. (Pa.)</i>	7-786
Receivers of Norfolk & W. R. Co., <i>Carper v. (U. S.)</i>	7- 95
Receivers of Richmond & D. R. Co., <i>Everett v. (N. Car.)</i>	8-523
Reddington <i>v. Chicago, M. & St. P. Ry. Co. (Iowa)</i>	11-440, 14-563
Redfield <i>v. Oakland Consol. St. R. Co. (Cal.)</i>	3-430, 432
Redford <i>v. Spokane St. R. Co. (Wash.)</i> ...	1-265, 273
Redson <i>v. Michigan Cent. R. Co. (Mich.)</i>	15-687
Reed, Adams <i>v. (Utah)</i>	1-551
<i>State v. (Miss.)</i>	12- 22
Reeman, Dallas & O. C. R. Co. <i>v. (Tex. Civ. App.)</i>	2-281
Reese <i>v. Wheeling, etc., R. Co. (W. Va.)</i>	6-783, 785
Reeves, Norfolk & W. Ry. Co. <i>v. (Va.)</i>	16-166
<i>State (Consolidated Traction Co., Prosecutor) v. (N. J.)</i> ..	3-651
<i>v. Texas & P. R. Co. (Tex.)</i>	2-541, 545, 546
<i>Texas & P. R. Co. v. (Tex.)</i>	8-429

Reeves, Treasurer of the State of California, <i>Smith, Receiver of the Atlantic & Pacific Railway Company v. (U. S.)</i>	19-591
Reg, Toronto, etc., <i>R. Co. v. (Eng.)</i>	5-720
Reiber <i>v. Butler & P. R. Co. (Pa.)</i>	23-421
Reich, Delaware, I. & W. R. Co. <i>v. (N. J.)</i>	11-313
Reid <i>v. Norfolk City R. Co. (Va.)</i>	6-792
Reidel <i>v. Philadelphia W. & B. R. Co. (Md.)</i>	10- 91
Reilly <i>v. Philadelphia Traction Co. (Pa.)</i>	5-399
Reimer <i>v. New York, N. H. & H. R. Co. (Mass.)</i>	21-378
Reiter <i>v. Winona & St. P. R. Co. (Minn.)</i>	11- 31
Reynolds, McGhee <i>v. (Ala.)</i>	10-49, 22-17
Middle Georgia, etc., <i>R. Co. v. (Ga.)</i>	8-763
<i>v. Mink (C. C. A.)</i>	23-924
Rhode Island Locomotive Works <i>v. Continental Trust Co. (C. C. A.)</i>	21-481
Rhoades <i>v. Chesapeake & O. Ry. Co. (W. Va.)</i>	22-283
Richards, Gulf, Colorado & Santa Fe <i>R. Co. v. (Tex.)</i>	1-668
Richardson <i>v. Chicago & A. Ry. Co. (Mo.)</i>	13-170
<i>v. Florida Cent. & P. R. Co. (S. Car.)</i>	15-575
Richardson County, Chicago, B. & Q. <i>R. Co. v. (Neb.)</i>	21-702
Richart, Houston City Street <i>R. Co. v. (Tex.)</i>	1-290, 291
Richmond & D. R. Co., Burgin <i>v. (N. Car.)</i>	2-259
Clyde <i>v. (C. C. A.)</i>	3-446
<i>v. Littlejohn (S. Car.)</i>	9-873
<i>v. Tribble (Va.)</i>	3-632
Richmond, F. & P. R. Co., Richmond Union Pass. Ry. Co. <i>v. (Va.)</i>	15-206
Richmond Georgia R., etc., Co. <i>v. (Ga.)</i>	5-694, 707
Richmond <i>v. McNeil (Ore.)</i>	10-691
N., I. & B. R. Co. <i>v. Estill County (Ky.)</i>	13-365
Texas & P. Ry. Co. <i>v. (Tex.)</i>	21-847
Richmond R., etc., Co. <i>v. Garthright (Va.)</i>	4-257, 263, 264
Richmond R. & Electric Co. <i>v. Bowles (Va.)</i>	3-654
Richmond Union Pass. Ry. Co. <i>v. Richmond F. & P. R. Co. (Va.)</i>	15-206
Rickert <i>v. Southern Ry. Co. (N. Car.)</i>	12-162
Ricketts, Louisville & N. R. Co. <i>v. (Ky.)</i>	2-282, 6-186
Rider <i>v. Edgar (Cal.)</i>	2-472
Rierson <i>v. St. Louis & S. F. Ry. Co. (Kan.)</i>	11-667
Riley <i>v. Salt Lake R. T. Co. (Utah)</i>	1-258, 264, 266, 275
Rinard <i>v. Omaha, K. C. & E. Ry. Co. (Mo.)</i>	22- 34
Ring <i>v. Chicago, St. P. & K. C. Ry. Co. (Iowa)</i>	11-93, 12-452
Ringley, Cleveland, L. & W. Ry. Co. <i>v. (Ohio)</i>	18- 99
Ringo <i>v. Chesapeake & O. Ry. Co. (Ky.)</i>	23-271
Ringwalt <i>v. Wabash R. Co. (Neb.)</i>	2-450
Rio Grande, etc., R. Co., Bunnell <i>v. (Utah)</i>	4-261
Rio Grande Western Ry. Co., Haun <i>v. (Utah)</i>	19-370
Johnson <i>v. (Utah)</i>	13-691
Konold <i>v. (Utah)</i>	17-450
Krantz <i>v. (Utah)</i>	2-432
Lewis <i>v. (Utah)</i>	14-822
Silcock <i>v. (Utah)</i>	18-459
Whitmore <i>v. (Utah)</i>	23-742
Risinger <i>v. Southern Ry. Co. (S. Car.)</i>	20-517
Ristine <i>v. Blocker (Colo.)</i>	18-139
Clune <i>v. (C. C. A.)</i>	15-761
Ritchie, Alabama Great Southern R. Co. <i>v. (Ala.)</i>	5-554
Rittenhouse <i>v. Wilmington St. R. Co. (N. Car.)</i>	6-783, 784, 785
Ritzman <i>v. Philadelphia & R. R. Co. (Pa.)</i>	12-444
Riverside, etc., R. Co., Prescott <i>v. (Iowa)</i>	5-719
Roach, Alabama & C. R. Co. <i>v. (Ala.)</i>	5-706
Alabama G. S. R. Co. <i>v. (Ala.)</i>	11-869
Alabama, etc., R. Co. <i>v. (Ala.)</i>	5-705
Robbins <i>v. Brockton St. Ry. Co. (Mass.)</i>	23-483
<i>v. Magoun (Iowa)</i>	7-783
Roberds <i>v. Mobile & O. R. Co. (Miss.)</i>	7- 93

Roberts <i>v.</i> Boston & M. R. Co. (Me.).....	3-439
Chicago, B. & O. R. Co. <i>v.</i> (Colo.).....	15-572
Cincinnati, N. O. & T. P. Ry. Co.'s Receiver <i>v.</i> (Ky.)...	21-322
<i>v.</i> Delaware & H. Canal Co. (Pa.).....	5-664
Missouri, K. & T. Ry. Co. <i>v.</i> (Tex. App.).....	11- 21
<i>v.</i> Northern Pac. R. Co. (U. S.).....	3-106
<i>v.</i> Railroad (Me.).....	3-439
Texas & P. Ry. Co. <i>v.</i> (Tex.).....	10-727
Robertson <i>v.</i> Pennsylvania R. Co. (Pa.).....	7-605
<i>v.</i> Stead (Mo.).....	4-529
<i>v.</i> Wabash R. Co. (Mo.).....	16- 16
Robinson <i>v.</i> Dover, etc., R. Co. (Ga.).....	8-753
Highland Ave. & B. R. Co. <i>v.</i> (Ala.).....	19-357
<i>v.</i> Huidekoper (Ga.).....	5-216
Indianapolis St. Ry. Co. <i>v.</i> (Ind.).....	23-181, 628
Monsarrat <i>v.</i> (C. C. A.).....	22-505
<i>v.</i> Pennsylvania R. Co. (Pa.).....	3-26, 27
<i>v.</i> Rockland, T. & C. St. R. Co. (Me.).....	2-160
<i>v.</i> Southern Pacific Co. (Cal.).....	2- 44
Southern Pac. Co. <i>v.</i> (Cal.).....	21-160
Western & A. R. Co. <i>v.</i> (Ga.).....	23-508
Rochester Ry. Co., Ayers <i>v.</i> (N. Y.).....	12-165
Mitchell <i>v.</i> (N. Y.).....	8-215
Rock Island & P. Ry. Co. <i>v.</i> Leisy Brewing Co. (Ill.).....	13-340
Rockland & Abington St. R. Co., Old Colony R. Co. <i>v.</i> (Mass.)...	1-179
Rockland T. & C. St. R. Co., Robinson <i>v.</i> (Me.).....	2-160
Rogers <i>v.</i> Atlantic City R. Co. (N. J.).....	3-283
<i>v.</i> Baltimore & O. S. W. R. Co. (Ind.).....	9-726
Kansas City & O. R. Co. <i>v.</i> (Neb.).....	4-617
<i>v.</i> Louisville & N. R. Co. (Tenn.).....	12-813
Missouri, K. & T. R. Co. of Texas <i>v.</i> (Tex.).....	8-141
Roller, Denver & R. G. R. Co. <i>v.</i> (C. C. A.).....	18-595
Rome St. R. Co. <i>v.</i> McGinnis (Ga.).....	1-256
Rood, Chicago City R. Co. <i>v.</i> (Ill.).....	7-784
Rooney <i>v.</i> New York, N. H. & H. R. Co. (Mass.).....	14-425
Roos <i>v.</i> Philadelphia, W. & B. R. Co. (Pa.).....	21-856
Root, Fremont, etc., R. Co. <i>v.</i> (Neb.).....	8-754
Rorke, Ex parte (Eng.).....	5-698
Roseberry <i>v.</i> Newport News & M. V. R. Co. (Ky.).....	10-844
Rosenberg, Southern Ry. Co. <i>v.</i> (Ala.).....	22-418
Rosenberger <i>v.</i> Pacific Coast R. Co. (Cal.).....	3-436, 437
Ross, Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	14- 12
Louisville & N. R. Co. <i>v.</i> (Ky.).....	17-432
Perth General Station Committee <i>v.</i> (Eng.).....	8-639
Rosse <i>v.</i> St. Paul & D. R. Co. (Minn.).....	7-351
Rothars <i>v.</i> Illinois Cent. R. Co. (Miss.).....	15-185
Rothschild <i>v.</i> Central R. Co. of N. J. (Pa.).....	2-282, 283
Rothstein <i>v.</i> Pennsylvania R. Co. (Pa.).....	2-258, 262
Rouse, Chicago & E. I. R. Co. <i>v.</i> (Ill.).....	12-706
<i>v.</i> Detroit Electric Ry. (Mich.).....	22-650
<i>v.</i> Downs (Kan.).....	7-773, 776
Rowell <i>v.</i> Boston & M. R. Co. (N. H.).....	16-571
Houston & T. C. R. Co. <i>v.</i> (Tex.).....	11-597
Rowland, Gulf, etc., R. Co. <i>v.</i> (Tex.).....	6-775
Roy <i>v.</i> Griffin (Wash.).....	22-596
Ruckert <i>v.</i> Grand Ave. Ry. Co. (Mo.).....	22-641
Rudd <i>v.</i> Farmville & P. R. Co. (Va.).....	3-656
Rudgeair <i>v.</i> Reading Traction Co. (Pa.).....	8-112
Rudiger <i>v.</i> Chicago, St. P., M. & O. Ry. Co. (Wis.).....	6-50, 12-196
Rudolph, Florida Cent. & P. R. Co. <i>v.</i> (Ga.).....	21- 6
Rumpp, Los Angeles P. & G. R. Co. <i>v.</i> (Cal.).....	3-130, 132, 133, 136, 137, 168
Ruunels, Houston, E. & W. T. Ry. Co. <i>v.</i> (Tex.).....	12-800
Runyan <i>v.</i> Central R. Co. of New Jersey (N. J.).....	19-290
Ruppert <i>v.</i> Brooklyn Heights R. Co. (N. Y.).....	11-873
Rush <i>v.</i> Spokane Falls & N. Ry. Co. (Wash.).....	20-285

Russ, Pittsburgh, Cincinnati, Chicago & St. Louis R. Co. <i>v.</i> (C. C. A.).....	2-141
Russell, Clark <i>v.</i> (C. C. A.).....	17- 68
<i>v.</i> Pittsburg, C., C. & St. L. Ry. Co. (Ind.).....	23-601
St. Louis S. W. R. Co. <i>v.</i> (Ark.).....	3-653
Rutherford, Houston & T. C. Ry. Co. <i>v.</i> (Tex.).....	21-710
<i>v.</i> Southern Ry. Co. (S. Car.).....	17-520
Rutland R. Co. <i>v.</i> Bellows Falls & S. R. St. Ry. Co. (Vt.).....	23-675
<i>v.</i> Chaffee (Vt.).....	21-513
Farrington <i>v.</i> (Vt.).....	19-248
Holden <i>v.</i> (Vt.).....	21-168
Ranchau <i>v.</i> (Vt.).....	14-416
Ryan, Atchison, T. & S. F. Ry. Co. <i>v.</i> (Kan.).....	21-684
<i>v.</i> Chicago & N. W. Ry. Co. (Wis.).....	14- 4
Chicago, etc., R. Co. <i>v.</i> (Ill.).....	8-754
<i>v.</i> New York, N. H. & H. R. Co. (Mass.).....	9- 67
<i>v.</i> Northern Pacific Ry. Co. (Wash.).....	11-647
St. Clair <i>v.</i> Kansas City, M. & B. R. Co. (Miss.).....	20-426
St. Jean <i>v.</i> Boston & M. R. Co. (Mass.).....	10-444
St. John <i>v.</i> New York Cent. & H. R. R. Co. (N. Y.).....	22-728
St. Johnsbury & L. C. R. Co., Ranney <i>v.</i> (Vt.).....	2-283, 384
St. Joseph & G. I. R. Co. <i>v.</i> Hedge (Neb.).....	2-220, 300, 301, 382, 387, 444
St. Joseph, etc., R. Co. <i>v.</i> St. Louis, etc., R. Co. (Mo.).....	5-696
St. Louis, Alton & Terre Haute R. Co. <i>v.</i> Belleville City Ry. Co. (Ill.).....	3- 53
People, Cantrell <i>v.</i> (Ill.).....	6-241, 12-227
St. Louis Basket, etc., Co., Winkler <i>v.</i> (Mo.).....	7-774
St. Louis & B. Ry. Co. <i>v.</i> Van Hoorebeke (Ill.).....	23-748
St. Louis County <i>v.</i> Duluth & I. R. R. Co. (Minn.).....	19-273
St. Louis & H. Ry. Co., Cobb <i>v.</i> (Mo.).....	13-632
St. Louis, I. M. & S. Ry. Co. <i>v.</i> Anderson (Ark.).....	5-637
Aufdenberg <i>v.</i> (Mo.).....	3-323
Barker <i>v.</i> (Mo.).....	2-157
<i>v.</i> Battle (Ark.).....	22-700
<i>v.</i> Beecher (Ark.).....	10-557
<i>v.</i> Bland (Tex.).....	3-423
<i>v.</i> Bragg (Ark.).....	14- 34
<i>v.</i> Brown (Ark.).....	16-440
Chitty <i>v.</i> (Mo.).....	23-829
<i>v.</i> Cox (Ark.).....	2-280
<i>v.</i> Dawson (Ark.).....	18- 30
<i>v.</i> Edwards (C. C. A.).....	8-402
<i>v.</i> Ferguson (Ark.).....	10-634
Ford <i>v.</i> (Ark.).....	15-142
Graney <i>v.</i> (Mo.).....	8-187
<i>v.</i> Greenthal (C. C. A.).....	6-261
Inabnett <i>v.</i> (Ark.).....	20-590
<i>v.</i> Jordan (Ark.).....	13-681
<i>v.</i> Law (Ark.).....	18-286
<i>v.</i> Lee (Ark.).....	23-320
<i>v.</i> Lewis (Ark.).....	20-483
<i>v.</i> Linam (Ark.).....	21- 5
McKennon <i>v.</i> (Ark.).....	21-527
<i>v.</i> Paul (U. S.).....	12-755
Peterson <i>v.</i> (Mo.).....	18-161
<i>v.</i> Power (Ark.).....	16- 1
<i>v.</i> State (Ark.).....	22-753
<i>v.</i> Stewart (Ark.).....	20-571
<i>v.</i> Tomlinson (Ark.).....	22-682
<i>v.</i> Tuohey (Ark.).....	16-453
<i>v.</i> Waren (Ark.).....	13-729
St. Louis, K. & N. W. R. Co., Scott <i>v.</i> (Iowa).....	19- 63
St. Louis, K. & S. R. Co. <i>v.</i> Wear (Mo.).....	4-623
<i>v.</i> Wear, Judge (Mo.).....	4-583
St. Louis, K. & S. W. R. Co. <i>v.</i> Nyce (Kan.).....	16-798

St. Louis, M. B. T. Ry. Co., <i>Neville v.</i> (Mo.)	20-196
St. Louis, O. H. & C. R. Co. <i>v.</i> <i>Fowler</i> (Mo.)	10-405
St. Louis, P. & N. Ry. Co. <i>v.</i> <i>Dorsey</i> (Ill.)	21-280
St. Louis R. Co., <i>Schmidt v.</i> (Mo.)	22-711
<i>v.</i> <i>Southern R. Co.</i> (Mo.)	7-772
<i>v.</i> <i>White</i> (Tex.)	3-652
St. Louis & S. F. Ry. Co. <i>v.</i> <i>Bryan Fruit Co.</i> (Kan.)	2-691
<i>v.</i> <i>Burrows</i> (Kan.)	17-678
<i>v.</i> <i>Carter</i>	2- 63
<i>v.</i> <i>Crabtree</i> (Ark.)	20-923
<i>v.</i> <i>French</i> (Kan.)	3-434, 440
<i>v.</i> <i>Gill</i> (U. S.)	2- 63
<i>v.</i> <i>Gordon, Mayor</i> (Mo.)	19-561
<i>v.</i> <i>Hurst</i> (Ark.)	17-324
<i>v.</i> <i>Kilpatrick</i> (Ark.)	17-212
<i>v.</i> <i>Ludlum</i> (Kan.)	23-851
<i>v.</i> <i>Marrs</i> (Ark.)	2-647
<i>v.</i> <i>Mathews</i> (U. S.)	6-361
<i>v.</i> <i>Miles</i> (C. C. A.)	10-585
<i>v.</i> <i>Ostrander</i> (Ark.)	16-197
<i>v.</i> <i>Parmer</i> (Tex.)	2-544
<i>Rierson v.</i> (Kan.)	11-667
<i>Selvege v.</i> (Mo.)	4-625
<i>v.</i> <i>Sherlock</i> (Kan.)	9-462
<i>Smith v.</i> (Mo.)	14-609
<i>v.</i> <i>Stevenson</i> (U. S.)	2- 63
<i>v.</i> <i>Townsend</i> (Ark.)	22-123
<i>v.</i> <i>Trimble</i> (U. S.)	2- 63
<i>United States v.</i> (Mo.)	22-812
St. Louis & S. R. Co., <i>Schafer v.</i> (Mo.)	2-17, 224
St. Louis Southwestern Ry. Co. <i>v.</i> <i>Berger</i> (Ark.)	10-235
<i>v.</i> <i>Berry</i> (Ark.)	2-457
<i>v.</i> <i>Carden</i> (Tex.)	3-449
<i>v.</i> <i>Elgin Condensed Milk Co.</i> (Ill.)	13-112
<i>v.</i> <i>Gans</i> (Ark.)	21-498
<i>v.</i> <i>Gate City Co-op. Grocery Co.</i> (Ark.)	23-875
<i>v.</i> <i>Harper</i> (Ark.)	21- 77
<i>v.</i> <i>Huffman</i> (Tex. Civ. App.)	2-157, 162
<i>Jackson v.</i> (La.)	18-444
<i>v.</i> <i>McCullough</i> (Tex.)	3-429, 430
<i>Nebraska Meal Mills v.</i> (Ark.)	7-591
<i>v.</i> <i>Russell</i> (Ark.)	3-653
<i>v.</i> <i>Shiflet</i> (Tex.)	20- 38
<i>v.</i> <i>Stanfield</i> (Ark.)	8-115
<i>v.</i> <i>Threat</i> (Tex.)	3-358
<i>Weil v.</i> (Ark.)	9-721
<i>v.</i> <i>Williams</i> (Tex.)	2-541, 542, 545
St. Louis S. W. Ry. Co. of Texas <i>v.</i> <i>Chambliss</i> (Tex.)	18-204
St. Louis & T. H. R. Co. <i>v.</i> <i>Nugent</i> (Ill.)	1-716
St. Louis, etc., R. Co. <i>v.</i> <i>Brown</i> (Ark.)	4-262
<i>v.</i> <i>De Shong</i> (Ark.)	6-773
<i>v.</i> <i>Dingman</i> (Ark.)	4-261
<i>v.</i> <i>Eggmann</i> (Ill.)	4-263
<i>v.</i> <i>Forbes</i> (Ark.)	6-788
<i>v.</i> <i>Leathers</i> (Ark.)	4-261
<i>St. Joseph, etc., R. Co. v.</i> (Mo.)	5-696
<i>Thomas v.</i> (Ill.)	8-760, 761
<i>v.</i> <i>Warfel</i> (Ill.)	6-790, 795
St. Paul <i>v.</i> <i>Chicago, etc., R. Co.</i> (Minn.)	5-711, 712
St. Paul City Ry. Co., <i>Blondel v.</i> (Minn.)	6-272
<i>Fulmore v.</i> (Minn.)	11-636
<i>Hickey v.</i> (Minn.)	1-263
<i>Morrow v.</i> (Minn.)	12-836
<i>O'Connell v.</i> (Minn.)	4- 60
<i>Webber v.</i> (Minn.)	6-774

St. Paul & D. R. Co., <i>Butler v.</i> (Minn.)	2-261
<i>v. City of Duluth</i> (Minn.)	13-855
<i>Rahilly v.</i> (Minn.)	5-690
<i>Rosse v.</i> (Minn.)	7-351
<i>Sandberg v.</i> (Minn.)	18-763
<i>Sheehan v.</i> (C. C. A.)	8-128
St. Paul, M. & M. R. Co., <i>Owen v.</i> (Wash.)	3-32, 169
<i>v. St. Paul & Northern Pacific R. Co.</i> (C. C. A.)	1-621
St. Paul & Northern Pac. R. Co., <i>St. Paul, Minneapolis & Manitoba R. Co. v.</i> (C. C. A.)	1-621
St. Paul & S. C. R. Co., <i>United States v.</i> (C. C. A.)	1-656
St. Paul, etc., R. Co., <i>Jones v.</i> (Wash.)	6-789
<i>Miller v.</i> (Minn.)	5-718
St. Paul Union Depot Co., <i>Chicago, G. W. Ry. Co. v.</i> (Minn.)	7-679
<i>Godbout v.</i> (Minn.)	16-821
Saginaw, T. & H. R. Co. <i>v. Bordiner</i> (Mich.)	3-11, 29
Salt Lake City R. Co., <i>Budd v.</i> (Utah)	22- 6
<i>Dederichs v.</i> (Utah)	4-259
Salt Lake Rapid Transit Co., <i>Nelson v.</i> (Utah)	2-156
<i>Riley v.</i> (Utah)	1-258, 264, 266, 275
<i>Thompson v.</i> (Utah)	10-563
Sampson, Highland, etc., R. Co. <i>v.</i> (Ala.)	5-715, 717, 718, 719, 720
Samuels, Louisville & N. R. Co. <i>v.</i> (Ky.)	18-374
San Antonio & A. P. Ry. Co. <i>v. Barnett</i> (Tex.)	3-423
<i>v. Bergsland</i> (Tex.)	3-304
<i>v. De Ham</i> (Tex.)	16-843
<i>v. Harding</i> (Tex.)	3-389
<i>v. Pratt</i> (Tex.)	3-217
<i>Wilcox v.</i> (Tex.)	3-441, 442
San Antonio & G. S. Ry. Co., <i>Davis v.</i> (Tex.)	15-449
San Antonio R. T. Co., <i>Limburger v.</i> (Tex.)	1-169, 171, 323, 324
San Antonio St. R. Co. <i>v. Mechler</i> (Tex.)	1-257, 258, 265, 279
<i>v. State, Elmendorf</i> (Tex.)	6-658
Sandberg <i>v. St. Paul & D. R. Co.</i> (Minn.)	18-763
Sanders, Arkansas & L. Ry. Co. <i>v.</i> (Ark.)	23-744
<i>v. Chicago, R. I. & P. Ry. Co.</i> (Okla.)	18-244
<i>Georgia S. & F. Ry. Co. v.</i> (Ga.)	18-206
<i>Illinois Cent. R. Co. v.</i> (Ill.)	11-861
<i>Louisville & N. R. Co. v.</i> (Ky.)	10-528
<i>Missouri, K. & T. R. Co. v.</i> (Tex.)	3-428
<i>v. Southern Ry. Co.</i> (Ga.)	14-281
Sanford <i>v. Pawtucket Street R. Co.</i> (R. I.)	4-318
Santa Ana & W. R. Co., <i>Montgomery v.</i> (Cal.)	1-44, 61
Santa Fe Pac. R. Co. <i>v. Bossut</i> (N. Mex.)	19-683
Santa Rosa City R. Co. <i>v. Central Street R. Co.</i> (Cal.)	1-105
Saranac & L. P. R. Co. <i>v. Arnold</i> (N. Y.)	22-480
Sargent, Boston & M. R. R. <i>v.</i> (N. H.)	21-335
Satterwhite, International & G. N. R. Co. <i>v.</i> (Tex. Civ. App.)	12-214
Sauls <i>v. D. W. Alderman & Sons Co.</i> (S. Car.)	15-558
Saunders <i>v. Chicago & N. W. R. Co.</i> (S. Dak.)	2-220, 382
<i>v. Southern Pac. Co.</i> (Utah)	4- 13
Savannah, F. & W. Ry. Co. <i>v. Austin</i> (Ga.)	10-343, 11-539
<i>v. Beavers</i> (Ga.)	21-646
<i>v. Booth</i> (Ga.)	5-612
<i>v. Chaney</i> (Ga.)	11- 1
<i>Chicago Packing & Provision Co. v.</i> (Ga.)	10-391
<i>v. Commercial Guano Co.</i> (Ga.)	12-848
<i>v. Glover</i> (Ga.)	13-566
<i>Glover v.</i> (Ga.)	13-566
<i>v. Jacksonville, T. & K. W. R. Co.</i> (C. C. A.)	9-582
<i>v. Postal Tel. Cable Co.</i> (Ga.)	20-917
<i>v. Wall</i> (Ga.)	2-260
<i>v. Waller</i> (Ga.)	5-620
<i>Wenz v.</i> (Ga.)	15-844
Savannah & S. Ry. Co. <i>v. Pughsley</i> (Ga.)	22-446

Savannah, T. & J. of H. R. Co. <i>v.</i> Bryan (Ga.).....	1-279
Military Ass'n of Savannah <i>v.</i> (Ga.).....	14-824
Savannah & W. R. Co., Central Trust Co. <i>v.</i> (C. C. A.).....	2-717
Savannah, etc., R. Co. <i>v.</i> Wideman (Ga.).....	5-714
Sax <i>v.</i> Detroit, G. H. & M. Ry. Co. (Mich.).....	20-653
Saxon <i>v.</i> New York El. R. Co. (N. Y.).....	1-376
Sayers, Assessor, <i>v.</i> Wilmington & N. R. Co. (Del.).....	22-530
Scanlan, West Chicago St. R. Co. <i>v.</i> (Ill.).....	9-482
Scanlon, Louisville & N. R. Co. <i>v.</i> (Ky.).....	22-833
Scantland, Cleveland, C., C. & St. L. Ry. Co. <i>v.</i> (Ind.).....	14- 75
Scarritt <i>v.</i> Kansas City, O. & S. Ry. Co. (Mo.).....	15-809
Schaefer <i>v.</i> City of Fond du Lac (Wis.).....	11-342
Shaeffer <i>v.</i> Philadelphia & R. R. Co. (Pa.).....	2-544, 545
<i>v.</i> St. Louis & S. R. Co. (Mo.).....	2-17, 224
Schaidler <i>v.</i> Chicago & N. W. Ry. Co. (Wis.).....	15-105
Scheiber <i>v.</i> Chicago, St. Paul, Minn. & O. R. Co. (Minn.).....	2-289
Scheinkoenig, Chicago, R. I. & P. Ry. Co. <i>v.</i> (Kan.).....	19-232
Schenkel <i>v.</i> Pittsburgh & B. Traction Co. (Pa.).....	22-904
Schepers <i>v.</i> Union Depot R. Co. (Mo.).....	2- 9
Schiffier <i>v.</i> Chicago & N. W. R. Co. (Wis.).....	8-122
Schilling <i>v.</i> Winona, etc., R. Co. (Minn.).....	5-694
Schimpf <i>v.</i> Harris (Pa.).....	11-470
Schmidt <i>v.</i> Great Northern Ry. Co. (Minn.).....	21- 95
Louisville, N. A. & C. R. Co. <i>v.</i> (Ind.).....	6-571
<i>v.</i> St. Louis R. Co. (Mo.).....	22-711
Schmitt <i>v.</i> Chicago, etc., R. Co. (Iowa).....	5-714
<i>v.</i> Milwaukee St. R. Co. (Wis.).....	2-156, 161
<i>v.</i> Missouri Pac. Ry. Co. (Mo.).....	20-216
Schneider <i>v.</i> Chicago, M. & St. P. Ry. Co. (Wis.).....	11- 81
<i>v.</i> Market St. Ry. Co. (Cal.).....	23-692
<i>v.</i> Northern Pac. Ry. Co. (Minn.).....	19-314
Schnur <i>v.</i> Traction Co. (Pa.).....	5-716
Scholes, Baltimore & O. & C. R. Co. <i>v.</i> (Ind.).....	3-454
Schrimper <i>v.</i> Chicago, M. & St. P. R. Co. (Iowa).....	23-385
Schug <i>v.</i> Chicago, M. & St. P. Ry. Co. (Wis.).....	15-705
Schulte <i>v.</i> Chicago, M. & St. P. Ry. Co. (Iowa).....	21-356
Schurr <i>v.</i> Omaha & St. L. R. Co. (Iowa).....	5-152
Schuykill Nav. Co., Pennsylvania S. V. R. Co. <i>v.</i> (Pa.).....	3- 27
Schwartz, North Jersey St. Ry. Co. <i>v.</i> (N. J.).....	22-620
Schweinfurth <i>v.</i> Cleveland, C., C. & St. L. Ry. Co. (Ohio).....	15- 73
Schwindling, Railroad Co. <i>v.</i> (Pa.).....	5-716
Sciortino <i>v.</i> Crescent City R. Co. (La.).....	6-526
Scott <i>v.</i> Allegheny Valley R. Co. (Pa.).....	2-678
Camden Horse R. Co. <i>v.</i> (N. J.).....	1-132
<i>v.</i> Camden Horse R. Co. (N. J.).....	4-520
<i>v.</i> Chicago G. W. Ry. Co. (Iowa).....	20-884
<i>v.</i> Cleveland, C., C. & St. L. R. Co. (Ind.).....	3-428, 429
Consolidated Traction Co. <i>v.</i> (N. J.).....	4-371
Louisville & W. R. Co. <i>v.</i> (Ky.).....	17-261
<i>v.</i> Railroad Co. (N. Car.).....	5-710
<i>v.</i> St. Louis, K. & N. W. R. Co. (Iowa).....	19- 63
Vicksburg, S. & P. R. Co. <i>v.</i> (La.).....	17-745
Texas & P. R. Co. <i>v.</i> (C. C. A.).....	8-309
Scottish American Inv. Co. <i>v.</i> Prittie (Can.).....	3-134
Scranton & P. Traction Co. <i>v.</i> Delaware & H. Canal Co. (Pa.)...	7-537
Delaware & H. Canal Co. <i>v.</i> (Pa.).....	7-537
O'Conner <i>v.</i> (Pa.).....	6-650
Pletcher <i>v.</i> (Pa.).....	10-715
Potter <i>v.</i> (Pa.).....	4-307
Seaboard A. L. R. Co., Jeffries <i>v.</i> (N. Car.).....	23-339
Seals <i>v.</i> Augusta Southern R. Co. (Ga.).....	10-386
Seamans <i>v.</i> Delaware, etc., R. Co. (Pa.).....	4-260
Seattle City R. Co., Brown <i>v.</i> (Wash.).....	9-859
Muldoon <i>v.</i> (Wash.).....	2-110
Seattle & M. R. Co. <i>v.</i> Corbett (Wash.).....	17-709

Seattle & M. R. Co., <i>Mills v.</i> (Wash.).....	1-718
<i>v. State</i> (Wash.).....	3-25, 95, 96, 97
Second Ave. R. Co., <i>Bradley v.</i> (N. Y.).....	12-184
Second Ave. Traction Co., <i>Levin v.</i> (Pa.).....	23-318
Second Nat. Bank, <i>Metropolitan Trust Co. v.</i> (C. C. A.).....	22-209
Second Nat. Bank of Sandusky, <i>Mercantile Trust Co. v.</i> (C. C. A.).....	22-209
<i>Seeley v. Citizens' Traction Co.</i> (Pa.).....	6-790
<i>Seldomridge v. Chesapeake & O. Ry. Co.</i> (W. Va.).....	14-639
<i>Selvege v. St. Louis & S. F. R. Co.</i> (Mo.).....	4-625
<i>Serfass, Central R. Co. v.</i> (Ill.).....	1-269
<i>Settoon v. Texas & Pac. R. Co.</i> (La.).....	4-219
<i>Sewell v. Chicago Terminal Transfer R. Co.</i> (Ill.).....	13-387
<i>Shadford v. Ann Arbor St. R. Co.</i> (Mich.).....	6-584
<i>Shafer, Chicago, etc., R. Co. v.</i> (Neb.).....	5-698
<i>Shalley v. Danbury & B. H. R. Co.</i> (Conn.).....	1-289, 290
<i>Sharer v. Paxson, Receivers of the Phila. & Read. R. Co.</i> (Pa.)..	2-429
<i>Sharp, Kansas City, Ft. S. & M. R. Co. v.</i> (Ark.).....	7-710
<i>v. Missouri Pac. Ry. Co.</i> (Mo.).....	21- 47
<i>Shaw, Atchison T. & S. F. R. Co. v.</i> (Kan.).....	3-248
<i>v. Chicago & G. T. Ry. Co.</i> (Mich.).....	18-131
<i>Comer v.</i> (Ga.)	5-697
<i>Shea v. Chicago, R. I. & P. R. Co.</i> (Minn.).....	5-695
<i>v. Minneapolis, St. P. & Saulte Ste. M. R. Co.</i> (Minn.)..	2-608
<i>v. Minneapolis & S. Ste. M. R. Co.</i> (Minn.)	2-677, 717
<i>Shearer, Louisville & N. R. Co. v.</i> (Ky.).....	20-138
<i>Sheehan v. St. Paul & D. R. Co.</i> (C. C. A.).....	8-128
<i>Sheets v. Ohio River R. Co.</i> (W. Va.).....	2-129
<i>Sheldon v. Boston & A. R. Co.</i> (Mass.).....	13-390
<i>Shelton v. Louisville & N. R. Co.</i> (Ky.)	8-678
<i>Walker v.</i> (Kan.).....	11- 15
<i>Sheltrawn v. Michigan Cent. R. Co.</i> (Mich.).....	23-711
<i>Shepard v. Manhattan R. Co.</i> (N. Y.).....	1-371
<i>Shepherd, Citizens' St. R. Co. v.</i> (Tenn.).....	23-163
<i>Sheppard, Pittsburgh, C. C. & St. L. R. Co. v.</i> (Ohio).....	6-528
<i>Sherlock, St. Louis & S. F. R. Co. v.</i> (Kan.).....	9-462
<i>Sherman, S. & S. R. Co., Evans v.</i> (Tex.).....	5-184
<i>Sherman, etc., R. Co., Couly v.</i> (Tex.)..	6-772
<i>Sherwood v. Atlantic & D. R. Co.</i> (Va.).....	6-670
<i>Powell v.</i> (Mo.).....	22- 53
<i>Shields v. Norfolk & C. R. Co.</i> (N. Car.).....	22-635
<i>Shiflet, St. Louis S. W. Ry. Co. v.</i> (Tex.)	20- 38
<i>Shimer, Malott v.</i> (Ind.).....	15-774
<i>Shirley, Southern Ry. Co. v.</i> (Ala.).....	21- 60
<i>Shockman, Missouri, K. & T. Ry. Co. v.</i> (Kan.).....	12-880
<i>Shoemaker, Kansas City & N. C. R. Co. v.</i> (Mo.).....	20-496
<i>Shorter v. Southern Ry. Co.</i> (Ala.).....	18-761
<i>Shott, Norfolk & W. R. Co. v.</i> (Va.).....	2- 17
<i>Shreveport Belt Ry. Co., Bland v.</i> (La.)	4-349
<i>Cowden v.</i> (La.).....	23-355
<i>Shreveport & R. R. Val. Ry. Co. v. Hinds</i> (La.) ..	13-325
<i>Sidell, Leroy & C. Val. Air-Line R. Co. v.</i> (Kan.).....	21-741
<i>Sides, Louisville & N. R. Co. v.</i> (Ala.).....	21- 90
<i>Siemens v. Oakland, S. L. & H. Electric Ry.</i> (Cal.).....	23-564
<i>Siglin, Coos Bay, R. & E. R. R. Co. & Nav. Co. v.</i> (Ore.).....	11-714
<i>Silcock v. Rio Grande W. Ry. Co.</i> (Utah).....	18-459
<i>Simmons, Jackson & S. St. R. R. v.</i> (Tenn.).....	23-236
<i>v. Pennsylvania R. Co.</i> (Pa.).....	21-466
<i>v. Worthington</i> (Mass.).....	10-771
<i>Simon v. Baltimore & O. R. Co.</i> (Pa.).....	3-655
<i>Chicago & N. W. R. Co. v.</i> (Ill.).....	5- 80
<i>v. Southern Ry. Co.</i> (Va.).....	12-324
<i>Simpson, Louisville & N. R. Co. v.</i> (Ky.).....	23-592
<i>Sims v. Ohio River & C. Ry. Co.</i> (S. Car.).....	15-666
<i>v. Southern Ry. Co.</i> (S. Car.).....	20- 76

Sims <i>v.</i> Western & A. R. Co. (Ga.)	17-756
Western & A. R. Co. <i>v.</i> (Ga.)	17-756
Sinard <i>v.</i> Southern Ry. Co. (Tenn.)	14- 17
Sinclair <i>v.</i> Chicago, B. & K. C. R. Co. (Mo.)	3-269
Sinks <i>v.</i> Mercantile Trust Co. (C. C. A.)	22-209
Sioux City, O. & W. Ry. Co. <i>v.</i> Manhattan Trust Co. (C. C. A.)	15-430
Sioux City & P. Ry. Co., Blair <i>v.</i> (Iowa)	10-306, 17-363
Brown <i>v.</i> (Iowa)	10-306, 17-363
Holloway <i>v.</i> (Iowa)	10-306, 17-363
McCoy <i>v.</i> (Iowa)	10-306, 17-363
Sioux City R. T. Co., Freiday <i>v.</i> (Iowa)	1-408
Sipes, Denver & R. G. R. Co. <i>v.</i> (Colo.)	6-605
Sirk <i>v.</i> Marion St. R. Co. (Ind. App.)	2-223
Sixth Ave. R. Co. <i>v.</i> Metropolitan El. R. Co. (N. Y.)	1-373, 376, 378
Skiles, Wabash R. Co. <i>v.</i> (Ohio)	21-881
Skinner <i>v.</i> Wilmington & W. R. Co. (N. Car.)	22- 32
Slattery, Atchison, etc., R. Co. <i>v.</i> (Kan.)	8-761, 764
Slavens <i>v.</i> Northern Pac. Ry. Co. (C. C. A.)	16-406
Sleadd <i>v.</i> Southern Ry. Co. in Kentucky (Ky.)	19-131
Slensby <i>v.</i> Milwaukee St. R. Co. (Wis.)	9-527
Sloan, Mayor, State, Columbia E. S. R., L. & P. Co. <i>v.</i> (S. Car.)	9- 44
Sloane <i>v.</i> Southern California R. Co. (Cal.)	4-182
Sloniker <i>v.</i> Great Northern Ry. Co. (Minn.)	13-819
Smalley, Central R. Co. of N. J. <i>v.</i> (N. J.)	10-463
Smedley <i>v.</i> Hestonville, M. & F. Pass. R. Co. (Pa.)	9-649
Smith <i>v.</i> Atlantic City R. Co. (N. J.)	22-268
Baldwin <i>v.</i> (Ill.)	1- 28
<i>v.</i> Boston & M. R. R. (N. H.)	19-320
Brunswick, etc., R. Co. <i>v.</i> (Ga.)	5-695
Chesapeake & O. R. Co. <i>v.</i> (Ky.)	7-776, 15-641
<i>v.</i> Chicago, R. I. & P. R. Co. (Iowa)	6- 78
<i>v.</i> City & Suburban R. Co. (Ore.)	5-163
<i>v.</i> Electric Traction Co. (Pa.)	12-422
<i>v.</i> Georgia R. & Banking Co. (Ga.)	21- 20
Gulf, Colorado & Santa Fe R. Co. <i>v.</i> (Tex.)	2-222
Hicks, Atty. Gen., Askew <i>v.</i> (Wis.)	20-694
Houston & Texas Cent. R. Co. <i>v.</i> (Tex.)	2-177
Kellogg <i>v.</i> (Mass.)	23- 80
<i>v.</i> Lake Shore & M. S. Ry. Co. (Mich.)	8-496
Lake Shore & M. S. Ry. Co. <i>v.</i> (U. S.)	14-511
Little Rock & Ft. S. Ry. Co. <i>v.</i> (Ark.)	13-699
Louisville & N. R. Co. <i>v.</i> (Ky.)	10-506, 15-613, 19-157
Louisville & N. R. Co. <i>v.</i> (Ala.)	23-218
McGovern <i>v.</i> (Vt.)	23-690
Missouri Pacific R. Co. <i>v.</i> (Ark.)	2- 89
<i>v.</i> Norfolk & W. Ry. Co. (W. Va.)	17-108
<i>v.</i> Philadelphia, W. & B. R. Co. (Md.)	10-264
<i>v.</i> Pittsburgh & W. Ry. Co. (Ohio)	13-716
<i>v.</i> Reeves, Treasurer (U. S.)	19-591
<i>v.</i> St. Louis & S. F. Ry. Co. (Mo.)	14-609
<i>v.</i> So. E. R. Co. (Eng.)	3-452
<i>v.</i> Southern Ry. Co. (N. Car.)	23-777
<i>v.</i> State (Tenn.)	11-144
Union Pac. Ry. Co. <i>v.</i> (Kan.)	11-709
<i>v.</i> Wilmington & W. R. Co. (N. Car.)	23-467
Smith Bros. & Co., Limited, <i>v.</i> New Orleans & N. E. R. Co. (La.)	22-419
Smithson <i>v.</i> Chicago, G. W. Ry. Co. (Minn.)	11-726
Smock, Denver, etc., R. Co. <i>v.</i> (Colo.)	7-773, 775, 776, 778
Smyth, Atty. Gen., <i>v.</i> Ames (U. S.)	10- 1
<i>v.</i> Higginson (U. S.)	10- 1
<i>v.</i> Smith (U. S.)	10- 1
Sneed, Union Ry. Co. <i>v.</i> (Tenn.)	13-876
Snouffer <i>v.</i> Chicago & N. W. Ry. Co. (Iowa)	11-571
Snyder <i>v.</i> Ft. Madison St. Ry. Co. (Iowa)	11- 53
Pennsylvania R. Co. <i>v.</i> (Ohio)	7-768, 769, 775

Soderburg, Chicago, etc., R. Co. v. (Neb.).....	8-761, 764
Sokol, Kansas City, Ft. S. & M. R. Co. v. (Ark.).....	2-148
Solan v. Chicago, M. & St. P. R. Co. (Iowa).....	2-167
Somerville v. Wabash R. Co. (Mich.).....	5-693
Sonn v. Erie R. Co. (N. J.).....	22-389
Sours v. Great Northern Ry. Co. (Minn.).....	23-457
South-Bound R. Co., Green v. (Ga.).....	21-664
Hutto v. (S. Car.).....	22-724
Spires v. (S. Car.).....	5-708
South Carolina & G. E. Ry. Co., Upton v. (N. Car.).....	21-242
South Carolina & G. R. Co., Appleby v. (S. Car.).....	20-581
v. Carolina, C. G. & C. Ry. Co. (C. C. A.).....	15-212
v. Deitzen (Ga.).....	10-232
Iseman v. (S. Car.).....	11-219
Parker v. (S. Car.).....	6-731
Strother v. (S. Car.).....	5-430
v. Thurman (Ga.).....	14-727
Whitton v. (Ga.).....	14-776
Wragge v. (S. Car.).....	4-639
Youngblood v. (S. Car.).....	20-622
South Chester R. Co., Walker v. (Pa.).....	4-256
South Chicago City Ry. Co. v. Calumet Electric St. Ry. Co. (III.).....	11-789
South Covington C. St. R. Co. v. Pelzer (Ky.).....	10-833
South Covington, etc., R. Co. v. Enslen (Ky.).....	7-785
South E. R. Co., Smith v. (Eng.).....	3-452
Southard v. Minneapolis, St. P. & S. Ste. M. R. Co. (Minn.)...	2-677
Southern Boulevard Co., Matter of (N. Y.).....	3-30, 31
Southern Boulevard R. Co., In re (N. Y.).....	3-169
Southern California Ry. Co., Procter v. (C. C. A.).....	19- 77
Sloane v. (Cal.).....	4-182
Southern Pac. R. Co., v. (Cal.).....	3- 37
v. Southern Pac. R. Co. (Cal.).....	3-446, 450
Southern Exp. Co. v. Bank of Tupelo (Ala.).....	2-608, 609, 678
Dinsmore v. (Ga.).....	13-314
Dinsmore v. (C. C. A.).....	19-468
Dixie Cigar Co. v. (N. Car.).....	10-863
Oskamp v. (Ohio).....	17-334
v. State (Ga.).....	16-179
v. Wood (Ga.).....	5- 83
Southern Indiana Ry. Co. v. Peyton (Ind.).....	23-343
Southern Iron Car-Line Co., Mercantile Trust & Deposit Co. v. (Ala.).....	8-102
Southern Kansas R. Co. v. Clark (Kan.).....	2-460
v. Michaels (Kan.).....	8-761, 764
v. Pavey (Kan.).....	5-590
Southern Pac. Co. v. Arnett (C. C. A.).....	23-794
Bader v. (La.).....	17- 60
Blackburn v. (Ore.).....	12-461
v. Colorado Fuel & Iron Co. (C. C. A.).....	18-559
Edson v. (Cal.).....	22-187
English v. (Utah).....	4- 63
Green v. (Cal.).....	13-511, 21- 26
v. Harada (C. C. A.).....	22-375
Hayes v. (Utah).....	11-419
Heckle v. (Cal.).....	15-584
Herbert v. (Cal.).....	11- 94
v. Hyatt (Cal.).....	20-576
Lemasters v. (Cal.).....	20-296
Liverpool & L. & G. Ins. Co. v. (Cal.).....	15-530
McCurrie v. (Cal.).....	12-170
Nelson v. (Utah).....	14-374
Pierce v. (Cal.).....	10- 88
Pool v. (Utah).....	16-551
Puckhaber v. (Cal.).....	21-581

Southern Pac. Co., <i>Robinson v. (Cal.)</i>	2- 44
<i>v. Robinson (Cal.)</i>	21-160
<i>Saunders v. (Utah)</i>	4- 13
<i>State v. (La.)</i>	18-762
<i>Stephani v. (Utah)</i>	14-575
<i>v. Tarin (C. C. A.)</i>	21-928
<i>West v. (C. C. A.)</i>	11-447
<i>Williams v. (Cal.)</i>	22-442
<i>Wilson v. (Utah)</i>	4- 40
<i>Wright v. (Utah)</i>	5-559
<i>v. Yeargin (C. C. A.)</i>	22-459
<i>Zion v. (C. C. Nev.)</i>	2-167
Southern Pac. R. Co., <i>Abbott v. (Cal.)</i>	3-167
<i>Behlaw v. (Cal.)</i>	19-392
<i>v. Bray (C. C. Cal.)</i>	1-594
<i>v. Brown (C. C. Cal.)</i>	1-594
<i>v. Brown (C. C. A.)</i>	5-711
<i>Buswell v. (Cal.)</i>	5- 10
<i>v. Groeck (C. C. Cal.)</i>	1-593, 617
<i>Judice v. (La.)</i>	2-185
<i>Kishlar v. (Cal.)</i>	23-948
<i>Lee v. (Cal.)</i>	7-656
<i>v. McGill (Ariz.)</i>	3-653
<i>Maxwell v. (La.)</i>	3-425
<i>Pierce v. (Cal.)</i>	7-564
<i>v. Southern California R. Co. (Cal.)</i>	3-37, 446, 450
<i>v. United States (C. C. A.)</i>	1-602, 22-598
<i>Wunsch v. (C. C. Cal.)</i>	2-472
Southern Railway Company <i>v. Carnegie Steel Company, Limited</i> <i>(U. S.)</i>	17- 1
Southern Ry. Co., <i>Adams v. (C. C. Cal.)</i>	9-747
<i>Adams v. (N. Car.)</i>	16-369
<i>v. Adams (U. S.)</i>	6-790
<i>Alabama M. R. Co. v. (Ala.)</i>	10-112
<i>Allison v. (N. Car.)</i>	23-714
<i>v. Arnold (Ala.)</i>	11-864
<i>Artenberry v. (Tenn.)</i>	15-847
<i>Atkinson v. (Ga.)</i>	23-651
<i>v. Atlanta Rapid Transit Co. (Ga.)</i>	18-425
<i>Averill v. (C. C. A.)</i>	5-704
<i>v. Barbour (Ky.)</i>	15-192
<i>Barfield v. (Ga.)</i>	15-735
<i>v. Barfield (Ga.)</i>	19-702
<i>Barr v. (Tenn.)</i>	19-261
<i>v. Baston (Ga.)</i>	8-755
<i>v. Blake (Ga.)</i>	10-472
<i>Bowen v. (S. Car.)</i>	18-331
<i>v. Bryan (Ala.)</i>	19- 7
<i>Bryan v. (N. Car.)</i>	21-542
<i>v. Bryant (Ga.)</i>	12-159
<i>Burns v. (S. Car.)</i>	22-624
<i>v. Bush (Ala.)</i>	19- 46
<i>Calvert v. (S. Car.)</i>	19-173
<i>v. Carnegie Steel Co., Limited (C. C. A.)</i>	6-420
<i>v. City Council of Greenville (S. Car.)</i>	3-450
<i>City of Anniston v. (Ala.)</i>	9- 36
<i>City of Charlottesville v. (Va.)</i>	16-600
<i>v. Commonwealth (Va.)</i>	20-360
<i>Cook v. (N. Car.)</i>	21-591
<i>Coursey v. (Ga.)</i>	21-412
<i>v. Covenia (Ga.)</i>	10-551
<i>v. Cowan (Ala.)</i>	22-150
<i>Coyle v. (Ga.)</i>	20-529
<i>Crawford v. (Ga.)</i>	16-829
<i>Crawford v. (S. Car.)</i>	19- 17

Southern Ry. Co. v. Dawson (Va.).....	18-592
v. Deakins (Tenn.).....	23-122
v. Early (Ga.).....	12-859
Eidson v. (Miss.).....	11-832
v. Forsythe (Ky.).....	23- 51
Fowlks v. (Va.).....	14-250
Gardner v. (N. Car.).....	20- 82
Garland v. (Ga.).....	18-759
Garrett v. (C. C. A.).....	18-529
Greenlee v. (N. Car.).....	11- 45
v. Hall (Tenn.).....	23-276
Haltom v. (N. Car.).....	19-776
v. Harbin (Ga.).....	18-692
v. Hardin (Ga.).....	10-250
v. Harrell (Ga.).....	11-859
v. Harrison (Ala.).....	13-270
Hendrix v. (Ala.).....	23-272
Herndon v. (C. C. A.).....	8-765
Hicks v. (S. Car.).....	21-217
Higgins v. (Ga.).....	5-694
Hodges v. (N. Car.).....	8- 46
v. Hood (Ala.).....	19-166
Hord v. (N. Car.).....	23-756
v. Hooper (Ga.).....	17-752
v. Howard (Ga.).....	18-758
Johnson v. (S. Car.).....	12-272
v. Johnson (Ga.).....	23-840
Kennedy v. (S. Car.).....	21-121
Killian v. (N. Car.).....	22-639
Knot v. (Tenn.).....	12-684
Kramer v. (N. Car.).....	20-329
v. Loughridge (Ga.).....	23-387
Lumpkin v. (Ga.).....	4-458
v. Lynn (Ala.).....	21-570
McArver v. (N. Car.).....	23-772
McCall v. (N. Car.).....	23-760
McElveen v. (Ga.).....	15-842
McIlhaney v. (N. Car.).....	6-693, 11-100
McMillin v. (Miss.).....	14- 37
v. Marshall (Ky.).....	23- 82
Mason v. (S. Car.).....	19- 83
v. Mauzy (Va.).....	20-647
Mayes v. (N. Car.).....	6-778, 779
Milam v. (S. Car.).....	18-253
Mitchell v. (Miss.).....	18-126
v. Moore (Ala.).....	20-896
v. Myers (Ga.).....	16-672
Neal v. (N. Car.).....	20-941
v. New (Ga.).....	14- 19
Parlier v. (N. Car.).....	23-559
Pharr v. (N. Car.).....	6-726
v. Pool (Ga.).....	15-617
Post v. (Tenn.).....	16-201
v. Postal Tel. Cable Co. (N. Car.).....	13-417
Postal Tel. Cable Co. v. (N. Car.).....	13-417
v. Prather (Ala.).....	14-832
Proctor v. (S. Car.).....	22-426
v. Pugh (Tenn.).....	8-756
Purcell v. (N. Car.).....	6-784, 785
Quinn v. (Miss.).....	7-788
v. Reaves (Ala.).....	20-784
Rickert v. (N. Car.)..	12-162
Risinger v. (S. Car.).....	20-517
v. Rosenberg (Ala.).....	22-418
Rutherford v. (S. Car.).....	17-520

Southern Ry. Co., St. Louis R. Co. <i>v.</i> (Mo.).....	7-772
Sanders <i>v.</i> (Ga.)....	14-281
<i>v.</i> Shirley (Ala.).....	21- 61
Shorter <i>v.</i> (Ala.).....	18-760
Simon's Adm'r <i>v.</i> (Va.).....	12-324
Sims <i>v.</i> (S. Car.).....	20- 76
Sinard <i>v.</i> (Tenn.).....	14- 17
Smith <i>v.</i> (N. Car.).....	23-777
Sprague <i>v.</i> (C. C. A.).....	14-356
<i>v.</i> Standiford (Ky.).....	20-154
State <i>v.</i> (N. Car.).....	11-228
State <i>v.</i> (N. Car.).....	17- 45
Steele <i>v.</i> (S. Car.).....	14-350
Stewart <i>v.</i> (N. Car.).....	21-601
<i>v.</i> Tharp (Ga.).....	12-858
Troxler <i>v.</i> (N. Car.).....	14-711
<i>v.</i> Watson (Ga.).....	11-839
<i>v.</i> Watson (Ga.).....	18-209
<i>v.</i> Watson (Ga.).....	23-509
Whitesides <i>v.</i> (N. Car.).....	21-537
Whitley <i>v.</i> (N. Car.).....	12-210
<i>v.</i> Wilcox (Va.).....	22-260
<i>v.</i> Williams (Ga.).....	22-415
Witzman <i>v.</i> (Mo.)....	3-449
<i>v.</i> Wood (Ky.).....	15-570
<i>v.</i> Wood (Ga.).....	23-555, 611
Wright <i>v.</i> (N. Car.).....	12-717, 20-157, 873
Southern Ry. Co. in Kentucky, Bohannon <i>v.</i> (Ky.).....	23-548
<i>v.</i> Clifford (Ky.).....	21-229
<i>v.</i> Cooper (Ky.).....	21-231
<i>v.</i> Evans (Ky.).....	21-809
<i>v.</i> Hanna (Ky.).....	15-524
Sleadd <i>v.</i> (Ky.)	19-131
Southern Ry. Co. in Mississippi <i>v.</i> Miller, Sheriff (Miss.).....	22-680
Southern Ry. Equipment Co., Georgia, S. & F. Ry. Co. <i>v.</i> (Ga.)..	15-295
Southern Railway News Co., Kansas City M. & B. R. Co. <i>v.</i> (Mo.).....	14-528
Southern Seating & Cabinet Co., Illinois Cent. R. Co. <i>v.</i> (Tenn.)..	18-276
Sowash <i>v.</i> Consolidated Traction Co. (Pa.).....	12-124
Sparger, Gulf, Colorado & Santa Fe R. Co. <i>v.</i> (Tex.).....	2-161
Sparks, Ft. Scott, W. & W. R. Co. <i>v.</i> (Kan.).....	2-110, 157
Spearen, Railroad Co. <i>v.</i> (Pa.).....	5-715
Spellman, Missouri, etc., R. Co. <i>v.</i> (Tex.).....	3-438
Spencer, Boyd <i>v.</i> (Ga.).....	11-247
Brendle <i>v.</i> (N. Car.).....	16-722
<i>v.</i> Brooks (Ga.)....	5-202
<i>v.</i> Chicago, M. & St. P. Py. Co. (Wis.).....	17-163
Denver & R. G. R. Co. <i>v.</i> (Colo.)... ..	10-536, 18-236
Little Rock, H. S. & T. Ry. Co. <i>v.</i> (Ark.).....	12-861
<i>v.</i> McDougal (U. S.).....	1-595
Sperb <i>v.</i> Metropolitan El. R. Co. (N. Y.).....	1-372, 374
Spink <i>v.</i> Louisville & N. R. Co. (Ky.).....	16- 86
Spinks, Louisville & N. R. Co. <i>v.</i> (Ga.).....	12- 48
Spires <i>v.</i> South Bound R. Co. (S. Car.).....	5-708
Spirk, Chicago, B. & Q. R. Co. <i>v.</i> (Neb.).....	7-205
Spiro, Felton <i>v.</i> (C. C. A.).....	10-865
Spokane Falls & N. Ry. Co., Lane <i>v.</i> (Wash.).....	14-436
Rush <i>v.</i> (Wash.).....	20-285
<i>v.</i> Ziegler (C. C. A.).....	1-594
Spokane St. Ry. Co., Bedford <i>v.</i> (Wash.).....	6-795
Payne <i>v.</i> (Wash.).....	6-773
Redford <i>v.</i> (Wash.).....	1-265, 273
State, Grinsfelder <i>v.</i> (Wash.).....	11- 62
Traver <i>v.</i> (Wash.).....	22-759
Spokane & Palouse Railway Co., Delsol <i>v.</i> (Idaho).....	1-683

Spradling, Texas & P. R. Co. v. (C. C. A.).....	3-435, 439
Sprague v. New York & N. E. R. Co. (Conn.).....	6-638
v. Southern Ry. Co. (C. C. A.).....	14-356
Spring City G. L. Co. v. Pennsylvania S. V. R. Co. (Pa.).....	
.....	3-131, 164, 166, 167
Spring Garden Farmers' M. Co., City of Philadelphia v. (Pa.).....	
.....	1-286, 289
Spring-Water Distilling Co., Louisville & N. R. Co. v. (Ky.)....	15-527
Springer, Metropolitan W. S. El. R. Co. v. (Ill.).....	9-731
Stacker v. Louisville & N. R. Co. (Tenn.).....	20-704
Stafford v. Chippewa Val. Elec. R. Co. (Wis.).....	23-364
Western & A. R. Co. v. (Ga.).....	5-172
Staggs, Texas & P. R. Co. v. (Tex.).....	8-197
Stahl v. Lake Shore & M. S. Ry. Co. (Mich.).....	11- 90
Stahler v. Philadelphia & R. Ry. Co. (Pa.).....	21-815
Standiford, Southern Ry. Co. v. (Ky.).....	20-154
Stanfield, St. Louis S. W. R. Co. v. (Ark.).....	8-115
Stanford, United States v. (U. S.).....	3-331
Stankard, Baltimore & O. R. Co. v. (Ohio).....	6-477
Stanley v. Durham & N. R. Co. (N. Car.).....	9-208
Gulf, Colorado & Santa Fe. R. Co. v. (Tenn.).....	2-480
Starkweather, Chicago, Milwaukee & St. Paul R. Co. v. (Iowa)..	3-189
Starr v. Great Northern R. Co. (Minn.).....	7-778
State v. Adams Express Co. (Minn.)....	7-781
Atlantic, S. R. & G. Ry. Co. v. (Fla.)	20-501
v. Austin & N. W. R. Co. (Tex.).....	22-556
v. Bogardus (Kan.).....	22-142
Brown v. (Ga.).....	17-247
Cass County v. Missouri Pac. Ry. Co. (Mo.).....	15-175
v. Central of Georgia Ry. Co. (Ga.).....	16-845
v. Chicago & E. I. R. Co. (Ind.).....	3-450
City of Omaha, Chicago, B. & O. R. Co. v. (Neb.).....	3-573
v. Cleveland, C., C. & St. L. Ry. Co. (Ind.).....	23-336
v. Committee of Tp. of Bloomfield (N. J.).....	5-697
Cumberland & P. R. Co. v. (Md.).....	20-754
v. Davis (Mo.).....	7-601
Galveston, H. & S. A. R. Co. v. (Tex.).....	3-449
Houston & T. C. R. v. (Tex.).....	3-449
Illinois Cent. R. Co. v. (Miss.).....	1- 68
v. Intoxicating Liquors (Me.).....	20-511
v. Jackson, L. & S. R. Co. (C. C. A.).....	1-597
v. Maine Cent. R. Co. (Me.).....	8-758
v. Manchester & L. R. R. (N. H.).....	12-874, 21-734
Nashville & D. R. Co. v. (Ala.)	23-202
v. Otis (Kan.).....	12-850
Philadelphia & R. R. Co. v. (N. J.).....	9-241
v. Reed (Miss.).....	12- 22
St. Louis, I. M. & S. Ry. Co. v. (Ark.).....	22-753
Seattle & M. R. Co. v. (Wash.).....	3-25, 95, 96, 97
Smith v. (Tenn.).....	11-144
Southern Exp. Co. v. (Ga.).....	16-179
v. Southern Pac. Co. (La.)	18-762
v. Southern Ry. Co. (N. Car.).....	11-228, 17-45
v. Wrightsville & T. R. Co. (Ga.).....	11-576
State, Baltimore, C. & P. B. R. Co. v. Latrobe (Md.).....	1-99, 118
State Board of Taxation, Mayor, etc., of City of Newark v. (N. J.)	
.....	23-308
State, Columbia, E. S. R. L. & P. Co. v. Sloan, Mayor (S. Car.)..	9- 44
State Consolidated Traction Co. v. City of Elizabeth (N. J.).....	3-614
State, Crescent City R. Co. v. Bell, City Engineer (La.).....	8-210
State, Cumberland Telephone & Telegraph Co. v. Texas & P. Ry.	
Co. (La.).....	18-399
State (Currie, Prosecutor) v. City of Atlantic City (N. J.).....	23-958
State, Elmendorf, San Antonio St. R. Co. v. (Tex.).....	6-658
State, Kistler, Prosecuting Attorney, Eel River R. Co. v. (Ind.)..	17-595

State, Lamar, Atty. Gen., <i>v.</i> Jacksonville Terminal Co. (Fla.)...	16-727
State, Nolan, Atty. Gen., <i>v.</i> Montana Ry. Co. (Mont.).....	11-353
State, Railroad Commission <i>v.</i> Wilmington & W. R. Co. (N. Car.)..	11-671
State, Railroad & Warehouse Commission <i>v.</i> Minneapolis & St. L. R. Co. (Minn.).....	17-630
State, Railroad & Warehouse Commission <i>v.</i> United States Exp. Co. (Minn.).....	19- 41
State, St. Charles St. R. Co. <i>v.</i> Board of Assessors (La.).....	4-386
State, Smart <i>v.</i> Kansas City, S. & G. Ry. Co. (La.).....	14-461
State, State Board of Transportation, Chicago, B. & Q. R. Co. <i>v.</i> (Neb.)	7-349
State, Stone, Atty. Gen., <i>v.</i> Burlington, C. R. & N. R. Co. (Iowa)..	7-610
State, Town of Ft. Branch, Evansville & T. H. R. Co. <i>v.</i> (Ind.)..	11-278
State, West Jersey Traction Co. <i>v.</i> Board of Pub. Works of Cam- den (N. J.)	1- 98
State of Florida, Osborne <i>v.</i> (U. S.).....	6-795
State of Illinois, Butler, Illinois Central R. Co. <i>v.</i> (U. S.).....	4-354
State of Minnesota, Gladson <i>v.</i> (U. S.).....	7-558
Cargill, W. W., Company <i>v.</i> (U. S.).....	20-658
State of Missouri, Bettis <i>v.</i> Missouri Pac. R. Co. (Mo. App.)....	7- 66
State of Nebraska, Board of Transportation, Missouri Pac. R. Co. <i>v.</i> (U. S.).....	6-157
State of Nebraska, City of Omaha, Chicago, B. & Q. R. Co. <i>v.</i> (U. S.).....	10-423
State of Ohio, Lawrence, Lake Shore & M. S. Ry. Co. <i>v.</i> (U. S.)..	16- 26
State (Barr, Prosecutor) <i>v.</i> Mayor of New Brunswick (N. J.)....	3-170
State (Cape May, D. B. & S. P. R. Co., Prosecutor) <i>v.</i> Cape May (N. J.).....	3-592
State (C. M., D. B. & S. P. R. Co., Prosecutor) <i>v.</i> City of Cape May (N. J.).....	6-507, 511
State (Consolidated Traction Co., Prosecutor) <i>v.</i> Reeves (N. J.)..	3-651
State (Kennelly, Prosecutor) <i>v.</i> Mayor, etc., of Jersey City (N. J.).....	1-98, 99, 169, 220, 322
State (Peunsylvania R. Co., Prosecutor) <i>v.</i> Knight (N. J.)... ..	3-374
<i>v.</i> National Docks & N. J. J. C. R. Co. (N. J.).....	3-25, 26, 97
State (Roebing, Prosecutrix) <i>v.</i> Trenton Passenger Railway Co., Consolidated (N. J.).....	4-392
State (Theberath, Prosecutor) <i>v.</i> Mayor, etc., of Newark (N. J.)..	1-176
State, to Use of Price, <i>v.</i> Cumberland & P. R. Co. (Md.).....	10-511
State (West Jersey & S. R. Co., Prosecutor) <i>v.</i> Ocean City R. Co. (N. J.).....	10-421
Staten Island R. T. Co., Port Richmond & P. P. El. R. Co. <i>v.</i> (N. Y.).....	1-229
Stead, Robertson <i>v.</i> (Mo.).....	4-529
Steele <i>v.</i> Northern Pac. Ry. Co. (Wash.)	15-129
<i>v.</i> Southern Ry. Co. (S. Car.).....	14-350
Steenerson <i>v.</i> Great Northern R. Co. (Minn.).....	8-559
Stelk <i>v.</i> McNulta (C. C. A.).....	22-778
Stephani <i>v.</i> Southern Pac. R. Co. (Utah).....	14-575
Stephens, Cleveland, C., C. & St. L. Ry. Co. <i>v.</i> (Ill.).....	11-268
Sternberger, Union Pac. Ry. Co. <i>v.</i> (Kan. App.)	12-745
Steubing <i>v.</i> New York El. R. Co. (N. Y.).....	1-375, 376, 377
Stevens, Chicago & A. R. Co. <i>v.</i> (Ill.).....	20-182
Norfolk & W. Ry. Co. <i>v.</i> (Va.).....	16-468
Stevenson, Little Rock, etc., R. Co. <i>v.</i> (Ark.).....	5-704
St. Louis & San Francisco R. Co. <i>v.</i> (U. S.).....	2- 63
Stewart, Atchison, Topeka & Santa Fe R. Co. <i>v.</i> (Kan.).....	2-387
<i>v.</i> Cleveland, C., C. & St. L. Ry. Co. (Ind.).....	13- 28
Comer <i>v.</i> (Ga.).....	4-263
Illinois Cent. R. Co. <i>v.</i> (Ky.).....	21-874
Johnson <i>v.</i> (Ark.).....	3-651
Louisville & N. R. Co. <i>v.</i> (Ala.).....	21- 34
Louisville & N. R. Co. <i>v.</i> (Miss.).....	21-855
<i>v.</i> Mercantile Trust Co. (C. C. A.).....	22-209, 484
<i>v.</i> New York, N. H. & H. R. Co. (Mass.).....	10-520

Stewart, Pennsylvania R. Co. <i>v.</i> (U. S.).....	2-389
St. Louis, I. M. & S. Ry. Co. <i>v.</i> (Ark.).....	20-571
<i>v.</i> Southern Ry. Co. (N. Car.).....	21-601
Stickley, Pittsburgh, C., C. & St. L. Ry. Co. <i>v.</i> (Ind.).....	20-148
Stickney, Metropolitan West Side El. R. Co. <i>v.</i> (Ill.).....	3-147
Stidham <i>v.</i> Chesapeake & O. R. Co. (Ky.).....	23-162
Stock, Louisville & N. R. Co. <i>v.</i> (Ky.).....	15-713
Stocksdale, Western Maryland R. Co. <i>v.</i> (Md.).....	4-510
Stockwell <i>v.</i> Chicago & N. W. Ry. Co. (Iowa).....	12-576
Stoltz <i>v.</i> Milwaukee & L. W. R. Co. (Wis.).....	15-820
Stone <i>v.</i> Chicago, M. & St. P. R. Co. (S. Dak.).....	2-514
Stoner <i>v.</i> Chicago G. W. Ry. Co. (Iowa).....	18-221
Storment, Chicago & E. I. R. Co. <i>v.</i> (Ill.).....	21-116
Storrs <i>v.</i> Los Angeles Traction Co. (Cal.).....	22-704
Story <i>v.</i> Concord & M. R. R. (N. H.).....	20- 90
Strand, Bellingham Bay & British Columbia R. Co. <i>v.</i> (Wash.)..	3-171
Strang, Greenwood, etc., R. Co. <i>v.</i> (U. S.).....	6-788
Stricker <i>v.</i> Pennsylvania R. Co. (N. J.).....	7-758
Strickland, Western & A. R. Co. <i>v.</i> (Ga.).....	23-510
Stritesky <i>v.</i> City of Cedar Rapids (Iowa).....	4-535
Strom <i>v.</i> Georgia Railroad & Banking Co. (Ga.).....	13-849
Strother <i>v.</i> Aberdeen & A. R. Co. (N. Car.).....	12-121
<i>v.</i> South Carolina & G. R. Co. (S. Car.).....	5-430
Struthers <i>v.</i> Philadelphia & D. C. R. Co. (Pa.).....	4-207
Stuber, Louisville & N. R. Co. <i>v.</i> (C. C. A.).....	22-840
Stuckey <i>v.</i> Atlantic Coast Line R. Co. of S. Car. (S. Car.).....	20-771
Sturey, Chicago, R. I. & P. Ry. Co. <i>v.</i> (Neb.).....	13-849
Sturgeon, Raleigh & A. Air-Line R. Co. <i>v.</i> (N. Car.).....	8-272
Suburban R. Co., Lyman <i>v.</i> (Ill.).....	21-828
Sullivan, Boston & M. R. R. <i>v.</i> (Mass.).....	20-356
<i>v.</i> Jefferson Ave. R. Co. (Mo.).....	3-432
<i>v.</i> New York, N. H. & H. R. Co. (Conn.).....	20-108
<i>v.</i> New York, etc., R. Co. (Pa.).....	4-260
Sun Printing, etc., Assoc. <i>v.</i> Mayor of New York (N. Y.).....	8-771
Sundmaker <i>v.</i> Yazoo & M. Val. R. Co. (La.).....	22-496
Superior R. T. R. Co., Little <i>v.</i> (Wis.).....	1-260, 265, 276
Sutherland <i>v.</i> Cleveland, C., C. & St. L. R. Co. (Ind.).....	8-424
Sutro <i>v.</i> Manhattan R. Co. (N. Y.).....	1-373, 374
Sutter St. Ry. Co., Harrison <i>v.</i> (Cal.).....	8-200, 23-809
Sutton <i>v.</i> Chicago & N. W. Ry. Co. (S. Dak.).....	20-726
<i>v.</i> Chicago, St. P., M. & O. R. Co. (Wis.).....	10-100
Citizens' St. R. Co. <i>v.</i> (Ind.).....	8-771, 772
Swack <i>v.</i> New York, L. E. & W. R. Co. (N. Y.).....	16-609
Swann, Baltimore & Potomac R. Co. <i>v.</i> (Md.).....	2-187
Swan, Chicago, & A. Ry. Co. <i>v.</i> (Ill.).....	12-674
<i>v.</i> Louisville & N. R. Co. (Tenn.).....	20-446
Swanson <i>v.</i> Central R. Co. of New Jersey (N. J.).....	16-624
<i>v.</i> Chicago, M. & St. P. Ry. Co. (Minn.).....	17-753
Sweeney <i>v.</i> Montana Cent. Ry. Co. (Mont.).....	22-540
Sweetland <i>v.</i> Atchison, T. & S. F. R. Co. (Colo.).....	3-449
<i>v.</i> Chicago & G. T. R. Co. (Mich.).....	11-613
Swift River Co. <i>v.</i> Fitchburg R. Co. (Mass.).....	8-512
Swinbank, Grand Island & W. C. R. Co. <i>v.</i> (Neb.).....	9-870
Swisher <i>v.</i> Illinois Cent. R. Co. (Ill.).....	16-421
Swope, Highland Ave. & Belt R. Co. <i>v.</i> (Ala.).....	13-856
Syracuse, B. & N. Y. R. Co., Young <i>v.</i> (N. Y.).....	21- 11
Taafe, Louisville & N. R. Co. <i>v.</i> (Ky.).....	15-693
Tabor, Ohio & M. R. Co. <i>v.</i> (Ky.).....	2-541, 543
Taborn, Consolidated Traction Co. <i>v.</i> (N. J.).....	2-124
Tacoma, O. & G. H. R. Co., Kaufman <i>v.</i> (Wash.).....	1-169, 170, 171
Tacoma Railway & Motor Co., Mitchell <i>v.</i> (Wash.).....	1-258, 262, 264, 266, 269, 270, 274
New York Guaranty & Indemnity Co. <i>v.</i> (C. C. A.).....	23-249
Tacoma Ry. & Power Co. <i>v.</i> Hays (C. C. A.).....	23- 58
Tacoma Traction Co., Bailey <i>v.</i> (Wash.).....	6-794, 795

Taggart <i>v.</i> Newport Street R. Co. (R. I.).....	1-340
Talbott <i>v.</i> West Virginia, etc., R. Co. (W. Va.).....	8-768
Tallassee Falls Mfg. Co. <i>v.</i> Western Ry. of Alabama (Ala.).....	10-339, 20-455
Tallassee & M. R. Co., Baxley <i>v.</i> (Ala.).....	21-170
Tallon <i>v.</i> Mayor, etc., of City of Hoboken (N. J.).....	7-545
Tama & T. Electric Railway & Light Co., Beem <i>v.</i> (Iowa).....	10-610
Tamaqua & L. St. R. Co., Rahn Township <i>v.</i> (Pa.).....	1-197, 198
Tanner <i>v.</i> Missouri Pac. Ry. Co. (Mo.).....	20-809
Tarin, Southern Pac. Co. <i>v.</i> (C. C. A.).....	21-928
Tarter, Louisville & N. R. Co. <i>v.</i> (Ky.).....	7-607
Tartt, Cleveland, C. & St. L. Ry. Co. <i>v.</i> (C. C. A.).....	18-226
Tate <i>v.</i> Yazoo & M. V. R. Co. (Miss.).....	20-461
Taylor, Alabama, G. S. R. Co. <i>v.</i> (Ala.).....	21-135
Atchison, T. & S. F. Ry. Co. <i>v.</i> (Kan.).....	14-733
<i>v.</i> Bay City St. R. Co. (Mich.).....	1-165
<i>v.</i> Chesapeake & O. R. Co. (W. Va.).....	4-115
Chicago City R. Co. <i>v.</i> (Ill.).....	9-513
<i>v.</i> Chicago, M. & St. P. R. Co. (Wis.).....	1-170
<i>v.</i> Chicago & N. W. Ry. Co. (Wis.).....	15-788
Louisville, St. L. & T. R. Co. <i>v.</i> (Ky.).....	1-718
<i>v.</i> Maine Central Railroad Co. (Me.).....	2-614
<i>v.</i> Manchester, Sheffield & Lincolnshire Railway Company (Eng.).....	2-388
<i>v.</i> Pennsylvania Schuylkill Valley R. Co. (Pa.).....	4-258
<i>v.</i> Portsmouth, K. & Y. St. Ry. (Me.).....	10-215
Taylor, B. & H. Ry. Co., Dublin <i>v.</i> (Tex.).....	13-461
Teal <i>v.</i> American Min. Co. (Minn.).....	23-314
Teel <i>v.</i> Ohio River R. Co. (W. Va.).....	21- 20
Tennessee Brewing Co., Louisville & N. R. Co. <i>v.</i> (Tenn.).....	4-661
Tennessee Coal, Iron & R. Co. <i>v.</i> Pierce (C. C. A.).....	8-742
Terminal Ry. of Buffalo, Deming <i>v.</i> (N. Y.).....	23-815
Terre Haute & I. R. Co. <i>v.</i> Cox (C. C. A.).....	19-327
<i>v.</i> Harrison (C. C. A.).....	15-272
Miller <i>v.</i> (Ind.).....	3-442
Territory of New Mexico <i>v.</i> United States Trust Co. of New York (U. S.).....	14-811
Terry <i>v.</i> Gulf, etc., R. Co. (Tex.).....	5-714, 715
<i>v.</i> Louisville, N. A. & C. R. Co. (Ind.).....	3-442, 443
Louisville, St. L. & T. Ry. Co. <i>v.</i> (Ky.).....	13-770
Tessmer <i>v.</i> New York, N. H. & H. R. Co. (Conn.).....	15-164
Texarkana & Ft. S. Ry. Co. <i>v.</i> Anderson (Ark.).....	18- 37
Kizer <i>v.</i> (Ark.).....	13-288
Texas Central R. Co. <i>v.</i> Frazier (Tex.).....	3-381
<i>v.</i> Frazier (Tex.).....	4-664
<i>v.</i> Lyons (Tex.).....	3-116
Texas & Pacific Ry. Co. <i>v.</i> Alexander (Tex. Civ. App.).....	2-184
<i>v.</i> Armstrong (Tex.).....	14-256
<i>v.</i> Barrett (U. S.).....	11-867
<i>v.</i> Beckworth (Tex. Civ. App.).....	2-258, 261
<i>v.</i> Boggs (Tex.).....	2-545, 546
<i>v.</i> Bowlin (Tex. Civ. App.).....	2-387, 445
<i>v.</i> Breadow (Tex.).....	5-483
<i>v.</i> Buckalew (Tex.).....	3-432, 433
Cavallaro <i>v.</i> (Cal.).....	2-645, 717
<i>v.</i> Clayton (C. C. A.).....	9-821
<i>v.</i> Clayton (U. S.).....	13-236
<i>v.</i> Cody (U. S.).....	7-479
Cumberland Telephone & Telegraph Co. <i>v.</i> (La.).....	18-399
Davis <i>v.</i> (Tex.).....	3-426
Davis <i>v.</i> (Tex.).....	10-301
E. M. Patton, Plff. in Err., <i>v.</i> (U. S.).....	20- 48
<i>v.</i> Gentry (U. S.).....	4-559
<i>v.</i> Harby (C. C. A.).....	15-737
<i>v.</i> Hawkins (Tex.).....	2-213, 380

Texas & Pacific Ry. Co. <i>v.</i> Hornbeck (Tex.)	9-238
<i>v.</i> Humble (C. C. A.)	17- 83
<i>v.</i> Humble, Emma (U. S.)	20-821
<i>v.</i> Interstate Commerce Commission (U. S.)	5- 86
<i>v.</i> Johnson (Tex.)	3-439
<i>v.</i> Johnson (Tenn.)	4-441
Jones <i>v.</i> (La.)	2-382
<i>v.</i> McLane (Tex. Civ. App.)	2-263
<i>v.</i> Manton (U. S.)	9-850
<i>v.</i> Nolan (C. C. A.)	2-301
<i>v.</i> Orr (Tex.)	2-211
Reeves <i>v.</i> (Tex.)	2-541, 545, 546
<i>v.</i> Reeves (Tex.)	8-429
<i>v.</i> Richmond (Tex.)	21-847
<i>v.</i> Roberts (Tex.)	10-727
<i>v.</i> Scott (C. C. A.)	8-309
Settoon <i>v.</i> (La.)	4-219
<i>v.</i> Spradling (C. C. A.)	3-435, 439
<i>v.</i> Staggs (Tex.)	8-197
Warner <i>v.</i> (U. S.)	6-696
<i>v.</i> Wilder (C. C. A.)	13-520
Young <i>v.</i> (La.)	14-831
Texas, etc., Ry. Co. <i>v.</i> Bigham (Tex.)	6-791
<i>v.</i> Billingsby (Tex.)	5-714
Thalheimer, Consolidated Traction Co. <i>v.</i> (N. J.)	9-858
Tharp, Southern Ry. Co. <i>v.</i> (Ga.)	12-858
Thatcher <i>v.</i> Central Traction Co. (Pa.)	1-253, 255, 275
Thayer, Wichita & W. R. Co. <i>v.</i> (Kan.)	3- 27
The Shinkle, Wilson & Kreis Co. <i>v.</i> Louisville & Nashville R. Co. (Ohio)	4-677
Third Ave. R. Co., Beekman <i>v.</i> (N. Y.)	8- 23
Leiberman <i>v.</i> (N. Y. City Ct.)	12-858
Thomas, Chicago & E. R. Co. <i>v.</i> (Ind.)	9-181, 21-343
<i>v.</i> Chicago, M. & St. P. Ry. Co. (Iowa)	9-854, 21-586
Illinois Cent. R. Co. <i>v.</i> (Miss.)	10-846
<i>v.</i> Inter County St. R. Co. (Pa.)	1-169
<i>v.</i> Lancaster Mills of Clinton, Mass. (C. C. A.)	2-662
<i>v.</i> Louisville, etc., R. Co. (Ky.)	5-708
<i>v.</i> New York, C. & St. L. R. Co. (Pa.)	9-132
New York, P. & N. R. Co. <i>v.</i> (Va.)	4-240
<i>v.</i> Northern Pac. Exp. Co. (Minn.)	11-121
<i>v.</i> St. Louis, etc., R. Co. (Ill.)	8-760, 761
Thompson <i>v.</i> Buffalo R. Co. (N. Y.)	1-264
<i>v.</i> Chicago & E. R. Co. (Ind.)	6-611
<i>v.</i> Chicago, G. W. R. Co. (Minn.)	3-444
Denver & R. G. R. Co. <i>v.</i> (Colo.)	14- 47
<i>v.</i> Dotterer (La.)	21- 14
<i>v.</i> Great Northern Ry. Co. (Minn.)	19-421
<i>v.</i> Louisville & N. R. Co. (Ky.)	21-665, 23- 48
<i>v.</i> Missouri Pac. R. Co. (Neb.)	8-761, 762
<i>v.</i> Northern Pac. Ry. Co. (C. C. A.)	13-651
<i>v.</i> Ocean City R. Co. (N. J.)	7-779
<i>v.</i> Salt Lake Rapid-Transit Co. (Utah)	10-563
<i>v.</i> Truesdale (Minn.)	2-105
<i>v.</i> Yazoo & M. V. R. Co. (La.)	2-212, 300
Thoresen <i>v.</i> La Crosse City R. Co. (Wis.)	1-259, 261, 274, 6-101
Thornton, Louisville & N. R. Co. <i>v.</i> (Ky.)	19-229
Threat, St. Louis & S. W. R. Co. <i>v.</i> (Tex.)	3-358
Thurman, Central Trust Co. of N. Y. <i>v.</i> (Ga.)	3-164
<i>v.</i> Louisville & N. R. Co. (Ky.)	3-652
South Carolina & G. R. Co. <i>v.</i> (Ga.)	14-727
Tibbetts <i>v.</i> West & South Towns St. R. Co. (Ill.)	1- 98
Tibbs <i>v.</i> Alabama G. S. R. Co. (Ala.)	5-458
Tiernan, Mobile & O. R. Co. <i>v.</i> (Tenn.)	15-564
Tietken, Missouri Pac. R. Co. <i>v.</i> (Neb.)	5-262

Tillett <i>v.</i> Lynchburg & D. R. Co. (N. Car.).....	2-167, 300
<i>v.</i> Railroad Co. (N. Car.).....	5-710
Tilman, Illinois Cent. R. Co. <i>v.</i> (Tenn.).....	7-735
Tindall, Atchison, T. & S. F. R. Co. <i>v.</i> (Kan.).....	6-557
Tinkham, Louisville & N. R. Co. <i>v.</i> (Ky.).....	13-800
Tobin <i>v.</i> Chester & L. Narrow Gauge R. Co. (S. Car.).....	5-630
Toledo Consol. Railway Co. <i>v.</i> Toledo Electric St. R. Co. (Ohio)..	1-230
Toledo Electric St. Railway Co., Toledo Consol. R. Co. <i>v.</i> (Ohio)..	1-230
Toledo & O. C. R. Co. <i>v.</i> Ambach (Ohio).....	8-533
<i>v.</i> Bowler & Burdick Co. (Ohio).....	8-533, 19-574
<i>v.</i> Dages (Ohio).....	8-533
Toledo, St. L. & K. C. R. Co., Continental Trust Co. of City of New York <i>v.</i> (Ohio).....	18-397
Continental Trust Co. <i>v.</i> (Ohio).....	12-854
Toledo, S. & M. Ry. Co., Doyle <i>v.</i> (Mich.).....	22-294
Tomlinson <i>v.</i> Chicago, B. & O. R. Co. (C. C. A.).....	16-344
St. Louis, I. M. & S. Ry. Co. <i>v.</i> (Ark.).....	22-682
Tompkins <i>v.</i> Augusta Southern R. Co. (Ga.).....	11-587
Chicago, M. & St. P. Ry. Co. <i>v.</i> (S. Dak.).....	12- 70
Tompkins, Board of Railroad Commissioners of South Dakota, Chicago, Milwaukee & St. Paul Railway Company <i>v.</i> (U. S.)..	17-349
Toronto, etc., R. Co. <i>v.</i> Reg (Eng.).....	5-720
Totman, Hannibal & St. J. R. Co. <i>v.</i> (Mo.).....	16-695
Tow, Louisville & N. R. Co. <i>v.</i> (Ky.).....	21-441
Town Council of Lexington <i>v.</i> Union Nat. Bank (Miss.).....	9-321
Town of Bristol <i>v.</i> New England R. Co. (Conn.).....	11-674
Town of Crown Point, Pittsburgh, C. C. & St. L. R. Co. <i>v.</i> (Ind.)...	6-324
Town of Normal, Illinois Cent. R. Co. <i>v.</i> (Ill.).....	13-367
Town of Ravenswood, Ravenswood S. & G. R. Co. <i>v.</i> (W. Va.)...	4-145
Townsend, T. B., Brick & Contracting Co., International Trust Co. <i>v.</i> (C. C. A.).....	15-310
Townsend <i>v.</i> Nashville, C. & St. L. Ry. (Tenn.).....	21- 7
Patterson <i>v.</i> (Iowa).....	1-262, 273
St. Louis & S. F. Ry. Co. <i>v.</i> (Ark.).....	22-123
Traction Co., Chilton <i>v.</i> (Pa.).....	5-715
Funk <i>v.</i> (Pa.).....	5-715
Iaquinta <i>v.</i> (Pa.).....	5-717
Schnur <i>v.</i> (Pa.).....	5-716
Trammell, Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	23-856
<i>v.</i> Dinsmore (C. C. A.)	19-468
Trans-Missouri Freight Association, United States <i>v.</i> (U. S.)...	7-388
Traver <i>v.</i> Spokane St. Ry. Co. (Wash.).....	22-759
Trenton Pass. R. Co., Consolidated, Connelly <i>v.</i> (N. J.).....	1-261, 277
State (Roebeling, Prosecutrix) <i>v.</i> (N. J.).....	4-392
Trezona <i>v.</i> Chicago G. W. Ry. Co. (Iowa).....	12-104
Tribble, Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	20-794
Richmond & D. R. Co. <i>v.</i> (Va.).....	3-632
St. Louis & San Francisco R. Co. <i>v.</i> (U. S.).....	2- 63
Trimble <i>v.</i> New York Cent. & H. R. R. Co. (N. Y.)....	17-176
Trimmer, Pennsylvania, Poughkeepsie & Boston R. Co. <i>v.</i> (N. J.).....	3-137
Tripp, Baltimore & O. S. W. Ry. Co. <i>v.</i> (Ill.).....	14-119
Trott <i>v.</i> Chicago, R. I. & P. Ry. Co. (Iowa).....	21-391
Trowbridge <i>v.</i> Danville St. C. Co. (Va.).....	1-256, 263
Troxler <i>v.</i> Southern Ry. Co. (N. Car.).....	14-711
Troy Iron & Nail Factory, Corning <i>v.</i> (N. Y.).....	3-432
Trudell <i>v.</i> Grand Trunk Ry. Co. (Mich.).....	20-316
Truesdale, Thompson <i>v.</i> (Minn.).....	2-105
Truett, Louisville & N. R. Co. <i>v.</i> (C. C. A.).....	23-823
Trumbull <i>v.</i> Erickson (C. C. A.).....	17- 93
Garner <i>v.</i> (C. C. A.).....	15-589
Truskett, Missouri, K. & T. Ry. Co. <i>v.</i> (Ind. Ter.).....	17-273
Missouri, K. & T. Ry. Co. <i>v.</i> (C. C. A.).....	19-618
Trust Co. of North America <i>v.</i> Manhattan Trust Co. (C. C. A.)..	6-220
Tucker <i>v.</i> Chicago & G. T. Ry. Co. (Mich.).....	18-155

TABLE OF CASES

Tucker, Louisville & N. R. Co. <i>v.</i> (Ky.).....	23-876
Louisville Southern Ry. Co. <i>v.</i> (Ky.).....	12-805
<i>v.</i> Norfolk & W. R. Co. (Va.).....	3-651
Tudor <i>v.</i> Chicago & Southside Rapid Transit R. Co. (Ill.).....	1-340
Tullis, Hosea B., <i>v.</i> Lake Erie & Western Railroad Company (U. S.).....	16-462
Tullis <i>v.</i> Lake Erie & W. R. Co. (C. C. A.).....	20-335
Tully <i>v.</i> Philadelphia, W. & B. R. Co. (Del.).....	20-322, 23-209
Tumalty <i>v.</i> New York, N. H. & H. R. Co. (Mass.).....	11-468
Tuohey, St. Louis, I. M. & S. Ry. Co. <i>v.</i> (Ark.).....	16-453
Turess <i>v.</i> New York S. & W. R. Co. (N. J.).....	11-297
Turley <i>v.</i> Boston & M. R. R. (N. H.).....	20-440
Missouri, K. & T. R. Co. <i>v.</i> (C. C. A.).....	10-380
Turner <i>v.</i> Great Northern R. Co. (Wash.).....	5-238
Tuttle <i>v.</i> Atlantic City R. Co. (N. J.).....	22-876
Twombly <i>v.</i> Chicago, R. I. & T. R. Co. (Tex.).....	3-134
Tyler, S. E. R. Co. <i>v.</i> Raspberry (Tex.).....	3-376
Ullman <i>v.</i> Chicago & N. W. Ry. Co. (Wis.).....	23-782
Ullrich <i>v.</i> Cleveland, C., C. & St. L. Ry. Co. (Ind.).....	13-783
Underwood <i>v.</i> Western & A. R. Co. (Ga.).....	13-739
Union Depot Co. <i>v.</i> Backus (Mich.).....	3-130, 136
Gideonsen <i>v.</i> (Mo.).....	2-388
Union Depot R. Co., Schepers <i>v.</i> (Mo.).....	2-9
Union Elevator Co., Kansas City S. B. R. Co. (Mo.).....	3-130, 165, 167
Union Nat. Bank, Town Council of Lexington <i>v.</i> (Miss.).....	9-321
Union Pac., D. & G. Ry. Co., Maher <i>v.</i> (C. C. A.).....	20-644
Union Pac. Ry. Co. <i>v.</i> Baker (Kan.).....	8-764
Bush <i>v.</i> (Kan.).....	20-798
<i>v.</i> Callaghan (U. S.).....	3-360
Carrier <i>v.</i> (Kan.).....	17-513
<i>v.</i> Chicago, M. & St. P. R. Co. (U. S.).....	6-1
<i>v.</i> Chicago, R. I. & P. R. Co. (U. S.).....	6-1
<i>v.</i> Doyle (Neb.).....	7-773, 774
<i>v.</i> Foley (Colo.).....	1-62
<i>v.</i> Gochenour (Kan.).....	3-288
Grimmelmman <i>v.</i> (Iowa).....	8-321
Hanlon <i>v.</i> (Neb.).....	1-701
Hoffman <i>v.</i> (Kan. App.).....	13-220
<i>v.</i> Johnston (Neb.).....	2-601
<i>v.</i> Metcalf (Neb.).....	7-768
Miller Grain & Elevator Co. <i>v.</i> (Mo.).....	8-1
<i>v.</i> Smith (Kan.).....	11-709
<i>v.</i> Sternberger (Kan. App.).....	12-745
United States <i>v.</i> (C. C. Kan.).....	1-593, 594, 656
Union Pac., etc., R. Co., Anderson <i>v.</i> (Colo.).....	6-786
Union Pass. R. Co., Commonwealth, Hensel, Atty. Gen., <i>v.</i> (Pa.).....	1-99
Union Refrigerator Transit Co. <i>v.</i> Lynch, County Treasurer (Utah).....	13-868
<i>v.</i> Lynch, Treasurer of Salt Lake County (U. S.).....	17-588
Union R. Co., Kolb <i>v.</i> (R. I.).....	21-811
<i>v.</i> Sneed (Tenn.).....	13-876
Wright <i>v.</i> (R. I.).....	18-234
Union St. R. Co., Edgerly <i>v.</i> (N. H.).....	6-795
Union St. R. Co. of Saginaw, Holman <i>v.</i> (Mich.).....	9-105
Union Stock-Yards Co. <i>v.</i> Goodwin (Neb.).....	12-502
Union Terminal R. Co., Anderson <i>v.</i> (Mo.).....	20-834
<i>v.</i> Board of Railroad Commissioners (Kan.).....	3-72
<i>v.</i> Peet Bros. Manufacturing Co. (Kan.).....	13-851
Union Traction Co., Darwood <i>v.</i> (Pa.).....	12-474
United Electric Ry. Co., Cumberland Telegraph & Telephone Co. <i>v.</i> (Tenn.).....	1-295
United States, Atlantic, etc., R. Co. <i>v.</i> (U. S.).....	6-776
Bachelder <i>v.</i> (C. C. A.).....	9-878
Central Pac. R. Co. <i>v.</i> (U. S.).....	6-777

United States <i>v.</i> Harris (U. S.).....	6-773
<i>v.</i> Harris, Receivers of the Philadelphia & Reading Railroad Company (U. S.).....	17-582
<i>v.</i> Northern Pacific R. Co. (U. S.).....	19-207
Oregon Cent. R. Co. <i>v.</i> (C. C. A.).....	1-501
<i>v.</i> St. Louis & S. F. R. Co. (Mo.).....	22-812
<i>v.</i> St. Paul & S. C. R. Co. (C. C. A.).....	1-656
Southern Pac. R. Co. <i>v.</i> (C. C. A.).....	1-602
<i>v.</i> Southern Pac. R. Co. (C. C.).....	1-655
<i>v.</i> Southern Pac. R. Co. (C. C. A.).....	22-598
<i>v.</i> Stanford (U. S.).....	3-331
<i>v.</i> Trans-Missouri Freight Association (U. S.).....	7-388
<i>v.</i> Union Pac. R. Co. (C. C. Kan.).....	1-593, 594
Union Pac. R. Co. <i>v.</i> (C. C. A.).....	1-656
<i>v.</i> Winchester, etc., R. Co. (U. S.).....	4-264
<i>v.</i> Winona & St. Peter R. Co., No. 564 (C. C. A.).....	1-454
<i>v.</i> Winona & St. Peter R. Co., No. 566 (C. C. A.).....	1-482
Winona, etc., R. Co. <i>v.</i> (U. S.).....	6-790
<i>v.</i> Winona, etc., R. Co. (U. S.).....	7-776
United States Exp. Co., State, Railroad and Warehouse Commission <i>v.</i> (Minn.).....	19- 41
United States Mail Line Co. <i>v.</i> Carrollton Furniture Mfg. Co. (Ky.).....	9-286
United States Trust Co. of New York, Territory of New Mexico <i>v.</i> (U. S.).....	14-811
Upton <i>v.</i> South Carolina & G. E. Ry. Co. (N. Car.).....	21-242
Valley <i>v.</i> Concord & M. R. R. (N. H.).....	9-128
Valley Ry. Co. <i>v.</i> Keegan (C. C. A.).....	11-507
Van Bochove, Jones <i>v.</i> (Mich.).....	1-664
Vancleave, Louisville & N. R. Co. <i>v.</i> (Ky.).....	21-477
Vandercook <i>v.</i> Detroit, G. R. & W. R. Co. (Mich.).....	20-353
Van Doren <i>v.</i> Pennsylvania R. Co. (C. C. A.).....	13-577
Van Dusen, Peirce <i>v.</i> (C. C. A.).....	7- 1
Van Dyke, Atlantic Ave. R. Co. <i>v.</i> (C. C. A.).....	3-623
Van Hoorebeke, St. Louis & B. Ry. Co. <i>v.</i> (Ill.).....	23-748
Van Inwegen <i>v.</i> Port Jervis, M. & N. Y. R. Co. (N. Y.).....	20-352
Van Natta <i>v.</i> People's Street R., etc., Co. (Mo.).....	3-433
Van Steuben <i>v.</i> Central R. Co. of New Jersey (Pa.).....	9-485
Vant <i>v.</i> Chicago & N. W. Ry. Co. (Wis.).....	12-470
Varnadore, Charleston & S. R. Co. <i>v.</i> (Ga.).....	2-156, 162
Varwig <i>v.</i> Cleveland, C., C. & St. L. R. Co. (Ohio).....	4-265
Vasele <i>v.</i> Grant St. Electric R. Co. (Wash.).....	9- 75
Vaughan, Western & A. R. Co. <i>v.</i> (Ga.).....	21-512
Veach, Louisville & N. R. Co. <i>v.</i> (Ky.).....	11- 24
Veatch <i>v.</i> American Loan & Trust Co. (C. C. A.).....	10-795, 805
Venable, Chattanooga Rapid-Transit Co. <i>v.</i> (Tenn.).....	19-768
Chesapeake & N. R. Co. <i>v.</i> (Ky.).....	21-449
Venango County, Western New York R. Co. <i>v.</i> (Pa.).....	10-185
Vermont Cent. R. Co., Cox <i>v.</i> (Mass.).....	9-591
Vestal, Louisville & N. R. Co. <i>v.</i> (Ky.).....	12-633
Vicksburg, S. & P. R. Co., Dyche <i>v.</i> (Miss.).....	23-526
Kansas City, S. & G. R. Co. <i>v.</i> (La.).....	6-212
McQuire <i>v.</i> (La.).....	1- 68
<i>v.</i> Scott, Sheriff (Hammett, Intervener) (La.).....	17-745
Victor <i>v.</i> Pennsylvania R. Co. (Pa.).....	2-257, 259
Victory, Louisville & N. R. Co. <i>v.</i> (Ky.).....	12-538
Village of Wayzata <i>v.</i> Great Northern R. Co. (Minn.).....	7-360
Vincent <i>v.</i> Morgan's L. & T. Railroad & Steamship Co. (La.)...	5-463
<i>v.</i> Norton & T. St. Ry. Co. (Mass.).....	23-543
Vining <i>v.</i> New York & N. E. R. Co. (Mass.).....	9- 65
Virginia-Carolina Ry. Co. <i>v.</i> Booker (Va.).....	22-800
Virginia Coal & Iron Co. <i>v.</i> Louisville & N. R. Co. (Va.).....	21-261
Virginia & S. W. Ry. Co. <i>v.</i> Crow (Tenn.).....	23-506
Vittitoe's Adm'r, Louisville & N. R. Co. <i>v.</i> (Ky.).....	8-666

<i>Voight v. Baltimore & Ohio Southwestern Railway Company</i> (C. C. Ohio).....	9-835
<i>Baltimore & Ohio Southwestern Railway Company</i> <i>v. (U. S.)</i>	17-111
<i>Voils, Chattanooga & D. R. Co. v. (Ga.)</i>	21-302
<i>Volkmar v. Manhattan R. Co. (N. Y.)</i>	1-453, 454
<i>Volp, Lowe v. (Eng.)</i>	3-656
<i>Voorhees v. Lake Shore & M. S. Ry. Co. (Pa.)</i>	16-316
<i>Voss v. Cleveland, C., C. & St. L. R. Co. (Ind.)</i>	3-427
<i>Delaware, L. & W. R. Co. v. (N. J.)</i>	12-820
<i>Vreeland v. Cincinnati, etc., R. Co. (Mich.)</i>	6-778
<i>Wabash R. Co., Brammer v. (Iowa)</i>	22-508
<i>v. City of Defiance (U. S.)</i>	7-638
<i>v. Fox (Ohio)</i>	21-690
<i>v. Kingsley (Ill.)</i>	13-835
<i>Lockwood v. (Mo.)</i>	1- 16
<i>Lumley v. (U. S.)</i>	6- 81
<i>Merrieles v. (Mo.)</i>	22-158
<i>v. Miller (Ind.)</i>	23-843
<i>Morgan v. (Mo.)</i>	20-372
<i>Osborne, Com'r, v. (Mich.)</i>	20-569
<i>v. Ray (Ind.)</i>	12-593
<i>Ringwalt v. (Neb.)</i>	2-450
<i>Robertson v. (Mo.)</i>	16- 16
<i>v. Skiles (Ohio)</i>	21-881
<i>Somerville v. (Mich.)</i>	5-693
<i>Wade, Louisville & N. R. Co. v. (Ky.)</i>	5-371
<i>Wagen v. Minneapolis & St. L. R. Co. (Minn.)</i>	17-438
<i>Wagner, Louisville, N. A. & C. Ry. Co. v. (Ind.)</i>	14-706
<i>Wagner Pal., etc., Co., Dawley v. (Mass.)</i>	8-766
<i>Wakefield & S. St. Ry. Co., Kelly v. (Mass.)</i>	23- 67
<i>Wald v. Pittsburg, C. C. & St. L. R. Co. (Ill.)</i>	5- 70
<i>Walker v. Atlanta & W. P. R. Co. (Ga.)</i>	11-498
<i>Atlanta St. R. Co. v. (Ga.)</i>	1-273, 290
<i>v. City of Denver (C. C. A.)</i>	6-206
<i>v. Eikelberry (Okla.)</i>	13-253
<i>v. Gillett (Kan.)</i>	10-140
<i>v. Green (Kan.)</i>	14-366
<i>v. Kinnare (C. C. A.)</i>	6- 63
<i>v. Lake Shore, etc., R. Co. (Mich.)</i>	6-779
<i>v. Louisville & N. R. Co. (Ala.)</i>	4-658
<i>Louisville & N. R. Co. v. (Ky.)</i>	21-473
<i>v. McNeill (Wash.)</i>	11-738
<i>v. Mercer (Kan.)</i>	18-159
<i>v. New Mexico & S. P. R. Co. (N. Mex.)</i>	14-839
<i>v. Price (Kan.)</i>	20-432
<i>v. Shelton (Kan.)</i>	11- 15
<i>v. South Chester R. Co. (Pa.)</i>	4-256
<i>Wall v. Chesapeake & O. Ry. Co. (C. C. A.)</i>	15-413
<i>v. Platt (Mass.)</i>	9-563
<i>Savannah, F. & W. R. Co. v. (Ga.)</i>	2-260
<i>Wallace, Chicago, Milwaukee & St. Paul R. Co. v. (C. C. A.)</i>	2-651
<i>v. City & Suburban R. Co. (Ore.)</i>	1-258, 264, 275
<i>v. New York, N. H. & H. R. Co. (Mass.)</i>	3-443
<i>Waller, Savannah, F. & W. R. Co. v. (Ga.)</i>	5-620
<i>Wallin v. Eastern Ry. Co. of Minnesota (Minn.)</i>	21-611
<i>Walters v. Chicago, M. & St. P. Ry. Co. (Wis.)</i>	15-606
<i>Pierce v. (Ill.)</i>	8-672
<i>v. Western & A. R. Co. (C. C. A.)</i>	2-609
<i>Walton v. Chattanooga Rapid-Transit Co. (Tenn.)</i>	19-436
<i>Warax v. Cincinnati, N. O. & T. P. R. Co. (U. S.)</i>	3-650, 657
<i>Ward v. Chicago, M. & St. P. R. Co. (Wis.)</i>	14-322
<i>v. Illinois Cent. R. Co. (Ky.)</i>	18-689
<i>Louisville & N. R. Co. v. (Ky.)</i>	10-544, 23-462
<i>v. Louisville, etc., R. Co. (Tenn.)</i>	7-776

Ward, Missouri, K. & T. Ry. Co. <i>v.</i> (Ind. Ter.).....	11-328
<i>v.</i> Missouri Pac. Ry. Co. (Mo.).....	19- 30
<i>v.</i> Ohio River & C. Ry. Co. (S. Car.).....	12-854
<i>v.</i> Yazoo & M. V. R. Co. (Miss.).....	21-401
Ward Lumber Co., Wilson <i>v.</i> (C. C. A.).....	1-596
Warden of City Prison of City of New York, People, Tyroler <i>v.</i> (N. Y.).....	14-474
Waren, St. Louis, I. M. & S. Ry. Co. <i>v.</i> (Ark.).....	13-729
Warfel, St. Louis, etc., R. Co. <i>v.</i> (Ill.).....	6-790, 795
Warfield <i>v.</i> Louisville & N. R. Co. (Tenn.).....	17-135
Warlick, Gulf, C. & S. F. R. Co. <i>v.</i> (Ind. Ter.).....	4- 32
Warner, Gulf, etc., R. Co. <i>v.</i> (Tex.).....	4-262
<i>v.</i> Texas & P. R. Co. (U. S.).....	6-696
Washington County R. Co. George <i>v.</i> (Me.).....	15-850
Lowell <i>v.</i> (Me.).....	9-115
Washington & G. R. Co. <i>v.</i> Hickey (D. C.).....	9-865
Washington <i>v.</i> Missouri, K. & T. Ry. Co. of Texas (Tex.).....	11-829
Washington Southern R. Co. <i>v.</i> Lacey (Va.).....	6-778, 779, 782
Waters <i>v.</i> Atlantic City R. Co. (N. J.).....	15-525
Fremont, etc., R. Co. <i>v.</i> (Neb.).....	8-753
<i>v.</i> Mobile, etc., R. Co. (Miss.).....	6-771, 772
Waterville, etc., Co., Maine Cent. R. Co. <i>v.</i> (Me.).....	8-756, 757
Watkins, Georgia, C. & N. R. Co. <i>v.</i> (Ga.).....	3-429
Watson <i>v.</i> Albany & N. Ry. Co. (Ga.).....	19-176
<i>v.</i> Louisville & N. R. Co. (Tenn.).....	18-115
<i>v.</i> Mound City Street R. Co. (Mo.).....	3-385
<i>v.</i> Portland & G. E. Ry. Co. (Me.).....	11-194
Southern Ry. Co. <i>v.</i> (Ga.).....	11-839, 18-209, 23-509
Watt <i>v.</i> Nevada Cent. R. Co. (Nev.).....	3-659, 5-700
Way, Kansas City, W. & N. W. R. Co. <i>v.</i> (Kan.).....	13-363
Waycross, etc., R. Co., Gardner <i>v.</i> (Ga.).....	5-694
Wear, Judge, St. Louis, K. & S. R. Co. <i>v.</i> (Mo.).....	4-583, 623
Weber <i>v.</i> St. Paul City R. Co. (Minn.).....	6-774
Weber Co. <i>v.</i> Chicago, St. P., M. & O. Ry. Co. (Iowa).....	2-473, 474, 20-464
Webster, Lake Roland Elevated R. Co. <i>v.</i> (Md.).....	1-360
Louisville & N. R. Co. <i>v.</i> (Tenn.).....	22-410
Middlesborough Ry. Co. <i>v.</i> (Ky.).....	14-209
Weems, Mobile, etc., R. Co. <i>v.</i> (Miss.).....	7-788
Weil <i>v.</i> St. Louis S. W. R. Co. (Ark.).....	9-721
Weinkle <i>v.</i> Brunswick & W. R. Co. (Ga.).....	14- 50
Weir <i>v.</i> Norman (U. S.).....	13-861
Weisel <i>v.</i> Eastern Ry. Co. of Minnesota (Minn.).....	17-446
Lake Erie, etc., R. Co. <i>v.</i> (Ohio).....	5-714
Weiss <i>v.</i> Bethlehem Iron Co. (C. C. A.).....	12-305
Welch <i>v.</i> Concord R. R. (N. H.).....	16-830
Weldon <i>v.</i> Philadelphia W. & B. R. Co. (Del.).....	13-759
Weller <i>v.</i> Chicago, M. & St. P. Ry. Co. (Mo.).....	22- 61
Wellington <i>v.</i> Boston & M. R. Co. (Mass.).....	3-165
Wellington & P. R. Co., Boutten <i>v.</i> (N. Car.).....	21-576
<i>v.</i> Cashie & C. R. & L. Co. (N. Car.).....	3-29, 32
Miller <i>v.</i> (N. Car.).....	20-557
Wells County <i>v.</i> McHenry (N. Dak.).....	10-190
Wells, Little Rock & F. S. R. Co. <i>v.</i> (Ark.).....	3-427
Welsh <i>v.</i> Pennsylvania R. Co. (Pa.).....	14-569
<i>v.</i> West Jersey & S. R. Co. (N. J.).....	15-674
Wenz, Savannah, F. & W. Ry. Co. <i>v.</i> (Ga.).....	15-844
West Chicago St. R. Co. <i>v.</i> Annis (Ill.).....	6-792
Cohen <i>v.</i> (C. C. A.).....	1-261, 268, 271
<i>v.</i> Kennedy Cahill (Ill.).....	6-794
<i>v.</i> Kennelly (Ill.).....	9-359
<i>v.</i> McNulty (Ill.).....	9-255
<i>v.</i> Manning (Ill.).....	9-364
<i>v.</i> Martin (Ill.).....	2-317, 318, 319
<i>v.</i> Piper (Ill.).....	9-147
<i>v.</i> Scanlan (Ill.).....	9-482

West End R. Co., <i>Hamilton v.</i> (Mass.).....	2-221
West End St. R. Co., <i>Brittain v.</i> (Mass.).....	7-773
<i>Doyle v.</i> (Mass.).....	1-273, 276
<i>Galbraith v.</i> (Mass.)..	3-628
<i>Kenneson v.</i> (Mass.).....	9-445
<i>Manning v.</i> (Mass.).....	6-793
<i>White v.</i> (Mass.).....	3-636
West, Illinois Cent. R. Co. <i>v.</i> (Ky.).....	21-239
<i>v. Southern Pac. Co.</i> (C. C. A.).....	11-447
West Jersey R. Co. <i>v. Abbott</i> (N. J.).....	8-764
<i>v. Camden, G. & W. R. Co.</i> (N. J.).....	1-170, 189, 322, 325
West Jersey & S. R. Co., <i>May v.</i> (N. J.).....	13-517
<i>Welsh v.</i> (N. J.).....	15-674
West Jersey Traction Co. <i>v. Camden Horse R. Co.</i> (N. J.).....	1-132, 4-520
West Shore & O. Terminal Co., <i>In re</i> (N. J.).....	22-178
West Shore R. Co., <i>Hedges v.</i> (N. Y.).....	5-647
West Side R. Co., <i>Boerth v.</i> (Wis.).....	1-264
West & South Towns St. R. Co., <i>Tibbetts v.</i> (Ill.).....	1- 98
West Virginia C. & P. R. Co., <i>Young v.</i> (W. Va.)...	4-134
West Virginia & P. R. Co., <i>Berry v.</i> (W. Va.).....	11-103
<i>Fisher v.</i> (W. Va.).....	4- 86
West Virginia, etc., R. Co., <i>Talbott v.</i> (W. Va.).....	8-768
Westbrook <i>v. Muscatine N. & S. R. Co.</i> (Iowa).....	23-835
Westheffer <i>v. Lebanon & A. St. R. Co.</i> (Pa.).....	1-170
Western & Atlantic Railroad Co., Interstate Commerce Commission <i>v.</i> (U. S.).....	20-751
Western & A. R. Co. <i>v. Bailey</i> (Ga.)..	12-739
<i>v. Bass</i> (Ga.).....	11-608
<i>v. Bradford</i> (Ga.).....	21-298
<i>v. Brown</i> (Ga.).....	10-107
<i>v. Burke</i> (Ga.).....	5-386
<i>v. Calhoun</i> (Ga.).....	11-334
<i>Daniels v.</i> (Ga.).....	2-211, 280
<i>Elliott v.</i> (Ga.).....	21-889
<i>v. Ferguson</i> (Ga.).....	22-350
<i>v. Goodwin</i> (Ga.).....	12-219
<i>v. Herndon</i> (Ga.).....	23-464
<i>v. Holsomback</i> (Ga.).....	19-351
Interstate Commerce Commission <i>v.</i> (C. C. A.).....	13-298
<i>v. Jackson</i> (Ga.).....	21-296
<i>v. Ohio Valley Banking & Trust Co.</i> (Ga.).....	15-839
<i>Parish v.</i> (Ga.).....	10-574
<i>v. Robinson</i> (Ga.).....	23-508
<i>v. Sims</i> (Ga.).....	17-756
<i>v. Stafford</i> (Ga.).....	5-172
<i>v. Strickland</i> (Ga.).....	23-510
<i>Underwood v.</i> (Ga.).....	13-739
<i>v. Vaughan</i> (Ga.).....	21-512
<i>Walters v.</i> (C. C. A.).....	2-609
<i>Wilkes v.</i> (Ga.).....	16-826
Western, etc., R. Co., <i>Burton v.</i> (Ga.).....	5-708
Western Maryland R. Co. <i>v. Stocksdales</i> (Md.).....	4-510
Western New York & Pennsylvania R. Co. <i>v. Venango County</i> (Pa.).....	10-185
<i>Johnson v.</i> (Pa.).....	22-309
Western North Carolina R. Co., <i>Perry v.</i> (N. Car.).....	21-659
Western R. Corp., <i>Inhabitants of Worcester v.</i> (Mass.).....	5-705
Western Ry. of Alabama, Tallassee Falls Mfg. Co. <i>v.</i> (Ala.).....	10-339, 20-455
Western Union Tel. Co. <i>v. Ann Arbor R. Co.</i> (C. C. A.).....	13-395
Whalen <i>v. Consolidated Traction Co.</i> (N. J. App.).....	11-207
Whately <i>v. Macon & N. Ry. Co.</i> (Ga.).....	11-425
Wayne, Mobile, & O. R. Co. <i>v.</i> (Ky.).....	23-319
Wheeler <i>v. Detroit Electric Ry. Co.</i> (Mich.).....	23-595
<i>v. Grand Trunk Ry. Co.</i> (N. H.).....	23- 84

Wheeler, John M., Plff. in Err., <i>v.</i> New York, New Haven & Hartford Railroad Company (U. S.)	20-143
Wheeling & L. E. R. Co., <i>Fries v.</i> (Ohio)	6-489
<i>v.</i> Koontz (Ohio)	16-827
Wheeling, etc., R. Co., <i>Reese v.</i> (W. Va.)	6-783, 785
Wheeling Steel, etc., Co., <i>Klinkler v.</i> (W. Va.)	8-764
Wherry <i>v.</i> Duluth, M. & N. R. Co. (Minn.)	4-72
Whicher <i>v.</i> Boston & A. R. Co. (Mass.)	18-325
Whipple <i>v.</i> New York, N. H. & H. R. Co. (R. I.)	5-517
Whitbeck, Atchison, etc., R. Co. <i>v.</i> (Kan.)	7-778
Whitcher <i>v.</i> Boston & M. R. Co. (N. H.)	20-540
Whitcomb, Cincinnati St. R. Co. <i>v.</i> (C. C. A.)	1-260, 261, 267, 268, 269, 270, 279
Guhl <i>v.</i> (Wis.)	20-520
Leonard <i>v.</i> (Wis.)	7-520
MacCarthy <i>v.</i> (Wis.)	20-860
Wood & Gumaer Mfg. Co. <i>v.</i> (Wis.)	14-1
White <i>v.</i> Manhattan R. Co. (N. Y.)	1-351
<i>v.</i> New York, P. & N. R. Co. (Va.)	20-588
<i>v.</i> Norfolk & S. R. Co. (N. Car.)	2-222, 444, 445
<i>v.</i> Railroad Co. (La.)	1-68
St. Louis R. Co. <i>v.</i> (Tex.)	3-652
<i>v.</i> West End St. R. Co. (Mass.)	3-636
<i>v.</i> Worcester Consol. St. R. Co. (Mass.)	6-110
Whitehead, Kansas City R. Co. <i>v.</i> (Ala.)	4-262
Whitesides <i>v.</i> Southern Ry. Co. (N. Car.)	21-537
Whiting, H. & E. Chicago Street R. Co., Chicago & Calumet Terminal R. Co. <i>v.</i> (Ind.)	1-181
Whitley <i>v.</i> Southern Ry. Co. (N. Car.)	12-210
Whitmore <i>v.</i> Rio Grande Western Ry. Co. (Utah)	23-742
Whitney <i>v.</i> New York, N. H. & H. R. Co. (C. C. A.)	19-184
Whittington, Yazoo, etc., R. Co. <i>v.</i> (Miss.)	6-791
Whitton <i>v.</i> South Carolina & G. R. Co. (Ga.)	14-776
Wice <i>v.</i> Chicago & N. W. Ry. Co. (Ill.)	23-919
Wichita & S. W. R. Co., <i>Clement v.</i> (Kan.)	3-10
Wichita Wholesale Grocery Co., Missouri Pac. R. Co. <i>v.</i> (Kan.)	2-560
Wichita & W. R. Co. <i>v.</i> Quinn (Kan.)	7-217
<i>v.</i> Thayer (Kan.)	3-27
Wideman, Savannah, etc., R. Co. <i>v.</i> (Ga.)	5-714
Wiegand <i>v.</i> Central R. Co. of New Jersey (Pa.)	5-61
Wieland <i>v.</i> President, etc., of Delaware & H. Canal Co. (N. Y.)	21-130
Wiggins, Brunswick & W. R. Co. <i>v.</i> (Ga.)	22-588
Wilcox <i>v.</i> San Antonio & A. P. R. Co. (Tex.)	3-441, 442
Southern Ry. Co. <i>v.</i> (Va.)	22-260
Wilder <i>v.</i> Boston & A. R. Co. (Mass.)	3-28
Texas & P. Ry. Co. <i>v.</i> (C. C. A.)	13-520
Wilkes <i>v.</i> Western & A. R. Co. (Ga.)	16-826
Wilkie <i>v.</i> Raleigh & C. F. R. Co. (N. Car.)	19-295
Wilkinson, Atchison, Topeka & Santa Fe R. Co. <i>v.</i> (Kan.)	2-473, 474
Willet <i>v.</i> Michigan Cent. R. Co. (Mich.)	9-18
Willey, Atchison, T. & S. F. R. Co. <i>v.</i> (Kan.)	6-565, 15-847
Willamette Iron Works <i>v.</i> Oregon Railway & Navigation Co. (Ore.)	1-36
Williams <i>v.</i> Atchison, T. & S. F. R. Co. (Kan.)	12-370
Camden & A. R. Co. <i>v.</i> (N. J. App.)	11-600
Central of Georgia Ry. Co. <i>v.</i> (Ga.)	13-861
Chicago, B. & Q. R. Co. <i>v.</i> (Neb.)	21-175
Chicago, R. I. & P. Ry. Co. <i>v.</i> (Kan.)	12-336
<i>v.</i> Delaware, L. & W. R. Co. (N. Y.)	10-147
Florida, etc., R. Co. <i>v.</i> (Fla.)	5-696, 709, 710, 719
<i>v.</i> Great Northern R. Co. (Minn.)	7-230
Kansas City, P. & G. R. Co. <i>v.</i> (Ind. Ter.)	19-361
Louisville & N. R. Co. <i>v.</i> (Ala.)	9-252
Louisville & N. R. Co. <i>v.</i> (Ky.)	11-338
<i>v.</i> Oregon Short-Line R. Co. (Utah)	12-61

Williams, St. Louis Southwestern R. Co. <i>v.</i> (Tex.)	2-541, 542, 545
<i>v.</i> Southern Pac. Co. (Cal.)	22-442
Southern Ry. Co. <i>v.</i> (Ga.)	22-415
Williams, State's Atty. <i>v.</i> New York, N. H. & H. R. Co. (Conn.)	12-860
Williams Val. R. Co. <i>v.</i> Lykens & W. Val. St. Ry. Co. (Pa.)	16-718
Williamson <i>v.</i> Gordon Heights Ry. Co. (Del.)	14-809
Willingham <i>v.</i> Macon & B. Ry. Co. (Ga.)	21-340
Willis <i>v.</i> Kentucky & I. Bridge Co. (Ky.)	11-324
Wilmington City Ry. Co., Brown <i>v.</i> (Del.)	12-439
Philadelphia, W. & B. R. Co. <i>v.</i> (Del. Ch.)	9-493
Wilmington D. Mfg. Co. <i>v.</i> Adams Exp. Co. (Del.)	2-716
Wilmington & N. R. Co., Creswell <i>v.</i> (Del.)	14-625
Sayers, Assessor, <i>v.</i> (Del.)	22-530
Wilmington S. C. R. Co., Raynor <i>v.</i> (N. Car.)	23-561
Wilmington St. R. Co., Carolina Cent. R. Co. <i>v.</i> (N. Car.)	7-786
Rittenhouse <i>v.</i> (N. Car.)	6-783, 784, 785
Wilmington & W. R. Co., Allen <i>v.</i> (N. Car.)	8-257
Baker <i>v.</i> (N. Car.)	3-650
Beach <i>v.</i> (N. Car.)	9-158
Narvon <i>v.</i> (N. Car.)	13-852
Skinner <i>v.</i> (N. Car.)	22-32
Smith <i>v.</i> (N. Car.)	23-467
State, Railroad Commission <i>v.</i> (N. Car.)	11-671
Wilmington, etc., R. Co., Burnett <i>v.</i> (N. Car.)	7-773
Wilmot <i>v.</i> Yazoo & M. Val. R. Co. (Miss.)	19-263
Wilson <i>v.</i> Charleston & S. R. Co. (S. Car.)	9-211
<i>v.</i> Duluth Street R. Co. (Minn.)	4-53
Illinois Cent. R. Co. <i>v.</i> (Ky.)	21-644
Lake Erie & W. R. Co. <i>v.</i> (Ill.)	20-164
Little Rock & Ft. S. Ry. Co. <i>v.</i> (Ark.)	14-32
<i>v.</i> Louisiana & N. W. R. Co. (La.)	14-648
<i>v.</i> Minneapolis St. Ry. Co. (Minn.)	12-425
Mobile & O. R. Co. <i>v.</i> (C. C. A.)	6-97
<i>v.</i> Pennsylvania R. Co. (Pa.)	5-491
<i>v.</i> Pennsylvania R. Co. (N. J.)	16-835
<i>v.</i> Southern Pac. Co. (Utah)	4-40
<i>v.</i> Ward Lumber Co. (C. C. A.)	1-596
Wimber <i>v.</i> Iowa Cent. Ry. Co. (Iowa)	23-476
Winchester, etc., R. Co., United States <i>v.</i> (U. S.)	4-264
Winkler <i>v.</i> St. Louis Basket, etc., Co. (Mo.)	7-774
Winona Railway & Light Co., Palmer <i>v.</i> (Minn.)	22-696
Winona & St. Peter R. Co., Corbin <i>v.</i> (Minn.)	3-443
Parker <i>v.</i> (Minn.)	21-594
Reiter <i>v.</i> (Minn.)	11-31
United States <i>v.</i> (C. C. A.)	1-454, 482
Winona, etc., R. Co., Schilling <i>v.</i> (Minn.)	5-694
<i>v.</i> United States (U. S.)	6-790
United States <i>v.</i> (U. S.)	7-776
Winship <i>v.</i> New York, N. H. & H. R. Co. (Mass.)	10-275
Winston <i>v.</i> Illinois Cent. R. Co. (Ky.)	23-454
Winter <i>v.</i> New York & L. B. R. Co. (N. J.)	23-359
Winters, Chicago & A. R. Co. <i>v.</i> (Ill.)	12-93
<i>v.</i> Cowen (C. C. Ohio)	12-40
Cowen <i>v.</i> (C. C. A.)	16-107
Wisconsin Cent. R. Co. <i>v.</i> Forsythe (U. S.)	1-487
Wisconsin, Minnesota & Pacific Railroad Company <i>v.</i> Jacobson (U. S.)	19-634
Jacobson <i>v.</i> (Minn.)	13-228
Wisconsin Valley R. Co., Gibbons <i>v.</i> (Wis.)	5-323
Wisenbaker, Georgia Southern & F. Ry. Co. <i>v.</i> (Ga.)	22-186
Wiswell, North Chicago St. R. Co. <i>v.</i> (Ill.)	9-377
Witt <i>v.</i> East Tennessee & W. N. C. R. Co. (Tenn.)	8-380
Witzman <i>v.</i> Southern R. Co. (Mo.)	3-449
Woeckner <i>v.</i> Erie Electric Motor Co. (Pa.)	5-719
Woehrle <i>v.</i> Minnesota Transfer Ry. Co. (Minn.)	19-529

Wolfe, Chicago, B. & O. R. Co. <i>v.</i> (Neb.).....	22- 26
Wolf <i>v.</i> Great Northern Ry. Co. (Minn.).....	12-619
Wolff <i>v.</i> Georgia & F. R. Co. (Ga.).....	1- 64
Wolton, Grand Tower & Cape Girardeau R. Co. <i>v.</i> (Ill.).....	1-686
Wood, Atlantic & N. W. R. Co. <i>v.</i> (Can.).....	3-135
<i>v.</i> Beach (U. S.).....	1-596
Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	11-850
Central of Georgia Ry. Co. <i>v.</i> (Ala.).....	20-906
Chicago, R. I. & P. Ry. Co. <i>v.</i> (C. C. A.).....	19-493
<i>v.</i> Chicago, etc., R. Co. (Minn.).....	5-706
Gumaer Mfg. Co. <i>v.</i> Whitcomb (Wis.).....	14- 1
<i>v.</i> Louisville & N. R. Co. (Ky.).....	8-711
<i>v.</i> Louisville & N. R. Co. (C. C. Tenn.).....	11-525
<i>v.</i> Metropolitan El. R. Co. (N. Y.).....	6-788
Norfolk & W. Ry. Co. <i>v.</i> (Va.).....	21-317
<i>v.</i> Pennsylvania R. Co. (Pa.).....	5-672
Southern Express Co. <i>v.</i> (Ga.).....	5- 83
Southern Ry. Co. <i>v.</i> (Ky.).....	15-570
Southern Ry. Co. <i>v.</i> (Ga.).....	23-555, 611
Woods, Louisville & N. R. Co. <i>v.</i> (Ala.).....	11-872
Missouri, Kansas & Texas R. Co. <i>v.</i> (Tex.).....	2-519
Woodward Iron Co. <i>v.</i> Andrews (Ala.).....	8-755, 756
<i>v.</i> Herndon (Ala.).....	7-124
Woodworth, Chicago, etc., R. Co. <i>v.</i> (Ind. Ter.).....	4-261
Woolridge, Chicago, P. & St. L. R. Co. <i>v.</i> (Ill.).....	13-501
Woolsey, Central of Georgia Ry. Co. <i>v.</i> (Ga.).....	19-573
<i>v.</i> New York El. R. Co. (N. Y.).....	1-373
Worcester Consol. St. R. Co., White <i>v.</i> (Mass.).....	6-110
Worcester L. & S. St. R. Co., Cummings <i>v.</i> (Mass.).....	5-389
Word, Ft. Worth & D. C. R. Co. <i>v.</i> (Tex.).....	2-542
Work <i>v.</i> Chicago, M. & St. P. Ry. Co. (C. C. A.).....	20-636
Worlds <i>v.</i> Georgia R. Co. (Ga.).....	5-514
Worth, J. B., Co., Bowers <i>v.</i> (N. Car.).....	22-658
Worthington, Simmons <i>v.</i> (Mass.).....	10-771
Wragge <i>v.</i> South Carolina & G. R. Co. (S. Car.).....	4-639
Wright, Chicago & E. I. R. Co. <i>v.</i> (Ill.).....	1-716
Cincinnati, N. O. & T. P. R. Co. <i>v.</i> (Ky.).....	3-441
<i>v.</i> Clarke (Utah).....	5-156
Clark <i>v.</i> (C. C. A.).....	8-431
Wright, Comptroller General, Central R. & B. Co. <i>v.</i> (U. S.)....	7-181
<i>v.</i> Northampton & H. R. Co. (N. Car.).....	10-151
Omaha & R. V. R. Co. <i>v.</i> (Neb.).....	4-9, 5-419
<i>v.</i> Southern Pac. Co. (Utah).....	5-559
<i>v.</i> Southern Ry. Co. (N. Car.).....	12-717, 20-157, 873
<i>v.</i> Union R. Co. (R. I.).....	18-234
Yazoo & M. V. R. Co. <i>v.</i> (Miss.).....	19-239
Wrightsville & T. R. Co., Coleman <i>v.</i> (Ga.).....	23-863
State <i>v.</i> (Ga.).....	11-576
Wunsch <i>v.</i> Southern Pac. R. Co. (C. C. Cal.).....	2-472
Wyatt, Consolidated & C. P. R. Co. <i>v.</i> (Kan.).....	9-756
Wyman, First Nat. Bank of Grand Junction <i>v.</i> (Colo.).....	23-277
Yarborough, International & G. N. R. Co. <i>v.</i> (Tex. Civ. App.)...	7-733
Yates, Gulf, Colorado & Santa Fe R. Co. <i>v.</i> (Tex.).....	2-541
Yazoo & Mississippi Valley Railroad Company, <i>v.</i> Wirt Adams (U. S.).....	20-1, 350
<i>v.</i> Adams, State Revenue Agent (Miss.).....	20-428
<i>v.</i> Anderson (Miss.).....	14-412
<i>v.</i> Baldwin (Miss.).....	21-479
Drake <i>v.</i> (Miss.).....	21-141
Kent <i>v.</i> (Miss.).....	21-332
<i>v.</i> Martin (Miss.).....	21-301
<i>v.</i> Millsaps (Miss.).....	17-269
Mire <i>v.</i> (La.).....	21-761
Provost <i>v.</i> (La.).....	18-764
Sundmaker <i>v.</i> (La.).....	22-496

Yazoo & Mississippi Valley Railroad Company, <i>Tate v.</i> (Miss.)	20-461
Thompson <i>v.</i> (La.)	2-212, 300
Ward <i>v.</i> (Miss.)	21-401
Wilmot <i>v.</i> (Miss.)	19-263
<i>v.</i> Wright (Miss.)	19-239
Yazoo, etc., R. Co. <i>v.</i> Whittington (Miss.)	6-791
Yeargin, Southern Pac. Co. <i>v.</i> (C. C. A.)	22-459
Yerkes <i>v.</i> Northern Pac. Ry. Co. (Wis.)	23-642
Yingst <i>v.</i> Lebanon & A. St. R. Co. (Pa.)	1-259, 266
York, Louisville & N. R. Co. <i>v.</i> (Ala.)	23-470
Yost, Chicago, B. & O. R. Co. <i>v.</i> (Neb.)	21- 92
Young, Atchison, T. & S. F. Ry. Co. <i>v.</i> (Ind. Ter.)	17-645
Baltimore & O. S. W. R. Co. <i>v.</i> (Ind.)	6-349
<i>v.</i> Boston, etc., R. Co. (Mass.)	7-776
<i>v.</i> Camden, etc., R. Co. (N. J.)	8-768
<i>v.</i> Chicago, M. & St. P. R. Co. (Iowa)	6-231
Chicago, R. I. & P. Ry. Co. <i>v.</i> (Neb.)	14-343
<i>v.</i> Citizens' St. R. Co. (Ind.)	5-717
<i>v.</i> Great Northern Ry. Co. (N. Dak.)	14- 72
Ohio Valley R. Co.'s Receiver <i>v.</i> (Ky.)	8-399
<i>v.</i> Syracuse, B. & N. Y. R. Co. (N. Y.)	21- 11
<i>v.</i> Texas & P. Ry. Co. (La.)	14-831
<i>v.</i> West Virginia C. & P. R. Co. (W. Va.)	4-134
Youngblood <i>v.</i> South Carolina & G. R. Co. (S. Car.)	20-622
Younger, Gulf, C. & S. R. Co. <i>v.</i> (Tex.)	8- 84
Younkin <i>v.</i> Milwaukee L., H. & T. Co. (Wis.)	23-500
Zackery <i>v.</i> Mobile & O. R. Co. (Miss.)	6-267
Zagelmeyer <i>v.</i> Cincinnati, S. & M. R. Co. (Mich.)	2-18, 161
Zahn <i>v.</i> Pittsburgh, C., C. & St. L. R. Co. (Pa.)	9-411
Zantzinger, Galveston, H. & S. A. Ry. Co. <i>v.</i> (Tex.)	13-840, 16-679
Zeigler <i>v.</i> Lake St. El. R. Co. (C. C. A.)	23- 1
Spokane Falls & N. R. Co. <i>v.</i> (C. C. A.)	1-594
Zernecke, Chicago, R. I. & P. Ry. Co. <i>v.</i> (Neb.)	17- 76
Zion <i>v.</i> South Pac. Co. (C. C. Nev.)	2-167

INDEX TO NOTES.

ABANDONMENT OF RIGHT ACTIONS—*Continued.*

OF WAY.

See Right of Way.

ABATEMENT.

See Actions.

Survival of actions for personal injuries, vol. 7, p. 579.

ABUTTERS.

*See Eminent Domain.
Injunction.
Railroads.*

Consent of abutters, vol. 1, p. 364.

Elevated railroads, vol. 1, pp. 378, 716.

Estoppel, vol. 1, p. 66.

Right of abutting owners to compensation where elevated railroad is erected in street, vol. 10, p. 706.

Title to vacated street, vol. 10, p. 715.

Whether trolley an additional burden, vol. 4, p. 400.

ACCIDENTS.

Concurrence of accident and negligence, liability of carrier, vol. 12, p. 147.

ACCIDENTS ON TRACK.

See Children.

Licensees.

Negligence.

Personal Injuries.

Railroads in Streets.

Street Railways.

Trespassers.

Active and passive negligence of company towards persons using track, vol. 11, p. 831.

Negligence of street railway in running over child a question for jury, vol. 5, p. 399; vol. 9, p. 180.

Presumption that persons seen on track have ordinary faculties, vol. 19, p. 123; vol. 20, p. 322.

Presumption that persons seen on track will leave to escape train, vol. 19, p. 119.

ACTIONS.

*See Death by Wrongful Act.
Receivers.
Removal of Cause.*

Action against railroad commissioners is not action against state, vol. 15, p. 390.

Action in federal court not ground for forfeiture of railroad franchise, vol. 17, p. 625. Consolidation of railroads does not abate pending actions, vol. 3, p. 364.

Forfeiture of franchise, vol. 17, p. 625.

Removal of causes, vol. 14, p. 827.

Tort or contract for injury to passenger, vol. 8, p. 375.

ACT OF GOD.

See Carriers of Goods.

Baggage, vol. 5, p. 79.

Floods, vol. 5, p. 79.

ADMISSIONS.

*See Death by Wrongful Act.
Evidence.*

Payment by company for other property destroyed by fire as admission of negligence, vol. 15, p. 518.

ADVERSE POSSESSION.

Abutter's use of right of way granted by congress regarded as permissive only, vol. 20, p. 153.

Adverse possession of right of way will vest title in grantor, vol. 18, p. 680.

Company estopped to assert title to its land upon which buildings had been erected by mistake, vol. 20, p. 153.

Easements lost, vol. 14, p. 821.

Possession by owner of servient estate, effect on company's title to land granted for right of way, vol. 20, p. 153.

Proprietor of the soil's possession of land conveyed for railroad right of way, for agricultural purposes, is not adverse, where he retains the fee, vol. 20, p. 153.

Re-entry of railroad company, sufficiency of acts to constitute, vol. 20, p. 153.

Title against railroad company by adverse possession, vol. 20, p. 151.

AGENCY.

*See Intoxicating Liquors.
Master and Servant.
Medical Services.*

Authority of conductor to employ hands in case of emergency, vol. 11, p. 453.

Declarations as to past transactions, vol. 14, p. 823.

Declarations of agents as to past transactions inadmissible, vol. 14, p. 823.

AGE, SEX AND CONDITION OF PASSENGER AS AFFECTING DEGREE OF CARE.

See Carriers of Passengers.

ALIENATION OF FRANCHISE.

See Ultra Vires.

AMENDMENTS.

See Charters.

ANIMALS.

See Stock, Injuries to.

APPEALS.

Parties, vol. 9, p. 201.

APPLIANCES.

*See Carriers of Passengers.
Fires.
Master and Servant.*

ARGUMENT OF COUNSEL.

As ground for reversal, vol. 12, p. 205.

ARRESTS.

See Master and Servant.

Damages for illegal arrest of passenger, vol. 12, p. 279.

Liability of railroad company for illegal arrest made by employee, vol. 12, p. 183 ; vol. 20, p. 446.

ASSAULTS.

*See Carriers of Passengers.
Master and Servant.
Trespassers.*

Liability of railroad companies for assaults by employees, vol. 21, p. 242.

Liability of sleeping car companies for assault by employees, vol. 8, p. 79.

Use by trainmen of excessive force against passenger in self-defense, vol. 2, p. 445 ; vol. 10, p. 249.

ASSIGNMENTS.

Right of action for personal injuries, vol. 10, p. 860.

ASSUMPTION OF RISK.

See Master and Servant.

ATTACHMENTS.

See Carriers of Freight.

After termination of transit, vol. 19, p. 688.

Goods in custody of carrier, vol. 19, p. 687.

Goods received for transportation, vol. 19, p. 688.

ATTORNEY'S FEES.

Validity of statutes providing for an attorney's fee where claims against railroad companies are not promptly paid, vol. 6, p. 770.

AUTOMATIC VALVE.

See Frightening Horses.

Backing and pushing cars, vol. 5, p. 444.

BACKING CARS.

See Crossings.

BAGGAGE.

See Carriers of Passengers.

Act of God, vol. 5, p. 79.

Bicycles, vol. 7, p. 66.

Checks, vol. 2, p. xxxiv.

Frightening horses, vol. 5, p. 289.

General liability of carriers of passengers for loss or injury to baggage, vol. 2, p. i ; vol. 21, p. 367.

Injuries to passengers by collision with baggage trucks or by removal of baggage, vol. 6, pp. 486-487.

Liability, vol. 2, p. i.

Liability for loss of trunk checked in violation of rule, vol. 20, p. 469.

Liability for loss of jewelry in trunk received without knowledge of its contents, vol. 2, p. 471.

Liability of carrier where baggage has been delivered to baggage master, vol. 14, p. 424.

Liability of connecting carriers, vol. 2, p. ii.

Limitation of Liability.

Limitation of common-law responsibility of carrier by

BAGGAGE—Continued.

- contract and by notice, vol. 2, p. ii.
- Limiting carrier's liability for baggage, vol. 5, p. 66.
- Merchandise as Baggage.**
 - Agent's knowledge of nature of property, effect, vol. 20, p. 468.
 - Authority of agents, vol. 8, p. 539 ; vol. 20, p. 468.
 - Authority of baggage master to waive rule requiring release of liability where sample trunks are checked as baggage, vol. 20, p. 469.
 - Custom of agents at other points on the road, vol. 8, p. 545.
 - Deception by passenger, vol. 8, p. 546.
 - Effect of mere appearance of baggage received upon carrier's liability for loss, vol. 20, p. 471.
 - Effect on carrier's liability of knowledge of connecting carrier's baggage master where merchandise is shipped as baggage, vol. 20, p. 471.
 - Estoppel of carrier receiving merchandise as baggage with knowledge of its real character, vol. 20, p. 468.
 - General rule, vol. 8, p. 539.
 - Gratuitous bailment, vol. 8, p. 546.
 - Liability for loss of property not having appearance of baggage received as such by carrier, vol. 23, p. 469.
 - Payment of extra charges, vol. 8, p. 542.
 - Proof of actual knowledge, vol. 8, p. 543.
 - Regulations that passenger shall certify as to value and nature of the property, vol. 8, p. 545.
 - Warehouseman, vol. 8, p. 547.
- Posting and printing copy of regulations, vol. 5, p. 67.
- Presumption as to authority of baggage master in checking baggage, vol. 20, p. 469.
- Questions of law and fact, vol. 5, pp. 67, 69.
- Reasonable time for delivery, vol. 5, p. 68.
- Responsibility of carrier where baggage is retained in the custody of the passenger, vol. 2, p. xxvii.

BAGGAGE—Continued.

- Right of passenger to carry parcels, vol. 19, p. 295.
- Termination of Common Carrier's Liability, as Such, for Passenger's Baggage after Its Arrival at Destination.**
 - Carrier's duty to store, general rule, vol. 21, p. 367.
 - Effect of agent's agreement to allow baggage to remain in baggage room over night, vol. 21, p. 367.
 - Effect of agreement as to leaving baggage in carrier's custody, vol. 21, p. 367.
 - Effect of baggage master's permission to leave baggage, vol. 21, p. 367.
 - Effect of lame passenger's inability to carry his baggage and baggage master's consent to its being left, vol. 21, p. 367.
 - Failure to remove baggage because of baggage master's absence, vol. 21, p. 367.
 - General rule, vol. 21, p. 367.
 - Holding baggage over night for connecting line, vol. 21, p. 367.
 - Illustration of care required in storing baggage, vol. 21, p. 367.
 - Leaving baggage in agent's custody after delivery to passenger, vol. 21, p. 367.
 - Reasonable time for receiving and removing baggage, may send back for it from hotel, vol. 21, p. 367.
 - Reasonable time in which to receive and remove baggage, general statement, vol. 21, p. 367.
 - Statement of general rule, vol. 21, p. 367.
 - Storing baggage, baggage room need not be burglar proof, vol. 21, p. 367.
 - Storing baggage, depot constructed of pine, vol. 21, p. 367.
 - Storing baggage, negligence in leaving trunk in waiting room, vol. 21, p. 367.
 - Storing baggage, negligence in permitting traction engine causing fire to be moved near depot, vol. 21, p. 367.

BAGGAGE—Continued.

- Unreasonable delay in receiving and removing baggage, arrival on Sunday, vol. 21, p. 367.
- Unreasonable delay in receiving and removing baggage, destruction by fire in warehouse while passenger was using stop-over privilege, vol. 21, p. 367.
- Unreasonable delay in receiving and removing baggage, fire hours, vol. 21, p. 367.
- Unreasonable delay in receiving and removing baggage, from Friday night until Monday, vol. 21, p. 367.
- Unreasonable delay in receiving and removing baggage, general statements of rule, vol. 21, p. 367.
- Unreasonable delay where it reached its destination before passenger, vol. 21, p. 367.
- Unreasonable time within which to receive and to remove baggage, may leave baggage over night, vol. 21, p. 367.
- What is baggage, vol. 2, p. 19.
- When the responsibility of the carrier begins, vol. 2, p. xxxvi.
- Whether knowledge of ticket agent not acquired officially as to character of baggage is binding on carrier, vol. 20, p. 471.

BAGGAGE MASTERS.

See Carriers of Passengers.

BAGGAGE TRUCKS.

- Collision with, vol. 6, p. 486.

BILLS OF LADING.

- Absolute transfer of, for antecedent debt as affecting right of stoppage in transitu, vol. 16, p. 255.
- Conflict of oral and written contracts for carriage of freight, vol. 13, p. 117.
- Delivery of goods without requiring presentation of bill of lading, vol. 7, p. 596.
- Delivery to indorsee, vol. 10, p. 397.
- Effect of failure to transfer, on right of stoppage in transitu, vol. 16, p. 255.

BILLS OF LADING—Continued.

- Effect of transfer of, as security for antecedent debt on right of stoppage in transitu, vol. 16, p. 255.
- Effect of transfer of unindorsed bill of lading on right of stoppage in transitu, vol. 16, p. 254.
- Evidence of delivery, vol. 8, p. 478.
- How far conclusive, vol. 2, p. 610.
- Indorsement of, as security for present advances does not defeat right of stoppage in transitu, vol. 16, p. 255.
- Indorsement of, to bona fide purchaser for value cuts off right of stoppage in transitu, vol. 16, p. 252.
- Negotiability, vol. 2, p. 612; vol. 10, p. 402.
- Parol evidence as to, vol. 2, p. 610; vol. 10, p. 341; vol. 13, p. 36; vol. 20, p. 709.
- Parol evidence as to receipt clause of, vol. 13, p. 16; vol. 20, p. 709.
- Presumption as to ownership of goods, vol. 13, p. 110.
- Right of transferee to exercise right of stoppage in transitu, vol. 16, p. 249.
- Right to bills of lading to secure drafts after extinguishment as commercial paper, vol. 2, p. 609.
- Transfer by indorsement and delivery, vol. 10, p. 397.
- Transfer of, by insolvent consignee defeats right of stoppage in transitu, vol. 16, p. 253.
- Transfer of duplicate of, as affecting right of stoppage in transitu, vol. 16, p. 253.
- Whether assent of shipper is conclusively presumed from acceptance, vol. 20, p. 710; vol. 21, p. 840.

BLACK LISTING.

*See Discharge Lists.
Master and Servant.*

BOOKS.

See Evidence.

BRANCH LINES.

- Right of railroad company to construct, vol. 3, p. 71.

BRANCH RAILROADS.

*See Eminent Domain.
Railroads.*

BRIDGES.

*See Carriers of Passengers.
Mandamus.*

Acquisition of lands by railroad for, vol. 17, p. 259.

Care to be observed by railroad company in erecting culverts, bridges, etc., vol. 8, p. 701.

Highways, vol. 1, p. 213.

Liability of company for injuries to employees from overhead structure, vol. 10, p. 147.

Mandamus to compel construction of, vol. 12, p. 860.

Using defective bridge at crossing is not contributory negligence, vol. 15, p. 205.

BURDEN OF PROOF.

*See Carriers of Freight.
Death by Wrongful Act.
Master and Servant.
Negligence.
Stock.*

Death by wrongful act, vol. 10, p. 583.

Derailment of train, vol. 5, p. 309.

Fellow servants, vol. 10, p. 634.

Presumption that deceased exercised due care, vol. 10, p. 584.

Where person is killed by running train, vol. 10, p. 584.

BURGLARY.

Averments of ownership in indictments, vol. 7, p. 604.

Breaking into car, vol. 7, p. 604.

CAR RENTAL.

See Mortgages.

CARRIERS OF FREIGHT.

*See Assaults.
Bills of Lading.
Carriers of Live Stock.
Connecting Carriers.
Garnishment.
Interstate Commerce.
Mandamus.
Stoppage in Transitu.*

Allegation of contract for carriage, vol. 4, p. 436.

Attachment against person other than owner, vol. 21, p. 504.

CARRIERS OF FREIGHT— *Continued.*

Attachment of goods after termination of transit, vol. 19, p. 688.

Attachment of goods in custody of carrier, vol. 19, p. 687.

Attachment of goods received for transportation, vol. 19, p. 688.

Authority of agent employed to solicit passengers to receive freight from connecting line, vol. 20, p. 729.

Authority of local agent to make contract to carry goods beyond carrier's line, vol. 20, p. 728.

Authority of station foreman of freight department to make contract to carry goods beyond carrier's line, question for jury, vol. 20, p. 729.

Conflict of oral and written agreement for transportation of freight, vol. 13, p. 117; vol. 20, p. 709.

Damages.

Delivery of goods at flag station, notice to consignee of arrival of goods, vol. 10, p. 352.

Interest allowed because of gross negligence, in action against carriers, vol. 19, p. 628.

Interest in actions against carriers, general rule, vol. 19, p. 625.

Interest in actions against carriers, Illinois rule, vol. 19, p. 627.

Interest in actions against carriers, New York doctrine, vol. 19, p. 627.

Loss of goods, vol. 10, p. 861.

Measure of damages for delay in transportation, vol. 8, p. 514.

Delay in shipment, liability of common carrier, vol. 10, p. 87.

Delay in shipment of freight as proximate cause of loss, vol. 17, p. 272.

Delivery.

Consignee's refusal to accept goods, vol. 2, p. 722.

Delivery of goods at flag station, contracts limiting liability, vol. 10, p. 352.

Delivery of goods at flag station, statutes requiring notice of arrival of goods, vol. 10, p. 355.

CARRIERS OF FREIGHT—CARRIERS OF FREIGHT—

Continued.

Delivery of goods without requiring presentation of bill of lading, vol. 7, p. 596.

Delivery to carrier as delivery to purchaser, vol. 16, p. 185.

Duty of carrier to make delivery, vol. 2, p. 719.

Effect of delivery of goods to real owner, vol. 11, p. 124; vol. 17, p. 341.

Failure to deliver goods, vol. 2, p. 722.

Liability for misdelivery, vol. 2, p. 721.

Provision that goods delivered on a certain platform, where there is no protection from the weather, should be at shipper's risk, vol. 10, p. 352.

Termination of liability, vol. 2, p. 720.

What constitutes valid delivery, vol. 2, p. 719.

Demurrage.

Authorities cited against right to impose demurrage charges, vol. 20, p. 454.

Authorities holding that demurrage may be charged in absence of stipulation in contract, vol. 20, p. 450.

Liability to shipper for charges for use of car while awaiting sale of contents, vol. 20, p. 454.

Notice to consignee of regulation as to charging demurrage essential, vol. 20, p. 453.

Reason for holding that railroads have no lien on account of demurrage for detention of cars by shipper, vol. 20, p. 455.

Right of one company to collect demurrage for cars of another, vol. 20, p. 454.

Sufficiency of notice of arrival of cars to fix liability of shipper for demurrage, vol. 20, p. 453.

Deviation, vol. 7, p. 573.

Duty to furnish proper facilities, vol. 2, p. 584.

Duty to furnish suitable cars, vol. 2, p. 584; vol. 17, p. 333.

Garnishment of goods in depot, vol. 19, p. 206.

Injuries while loading or unloading cars, vol. 8, p. 477.

Continued.

Intoxicating liquors, carrier as purchaser's agent, vol. 16, p. 185.

Liability of carrier for cotton in compress, vol. 8, p. 477.

Liability of carrier of goods where shipment is improperly loaded by shipper, vol. 9, p. 562.

Liability of company transferring cars as carrier, vol. 12, p. 849.

Limitations of actions for recovery of excessive charges, vol. 13, p. 287.

Limitation of Liability.

Burden of proof on carrier to shew that loss did not occur through negligence, vol. 10, p. 335.

Connecting carriers, vol. 7, p. 713.

Contracts limiting time within which claim for loss may be made, vol. 10, p. 863.

Contracts of exemption from liability, delivery of goods at flag station, vol. 10, p. 352.

How far liability may be limited, vol. 2, p. 678.

Limiting duration of liability of carrier by stipulation in bill of lading, vol. 20, p. 459.

Losses not resulting from negligence, vol. 20, p. 681.

Necessity of consideration, vol. 13, p. 168.

Negligence, vol. 2, p. 682; vol. 10, p. 337.

Option as to rates as consideration, vol. 13, p. 169.

Provision relied on must be referred to by consideration proved, vol. 13, p. 169.

Reduced rates as consideration for, vol. 20, p. 681.

Restriction in bill of lading limiting liability of carriers of goods, vol. 5, p. 80.

Right of carrier to limit its liability to its own line, vol. 7, p. 609.

Stipulation limiting duration of liability construed to provide only for termination of liability as common carrier, vol. 20, p. 460.

CARRIERS OF FREIGHT—CARRIERS OF FREIGHT—

Continued.

Stipulation limiting time in which suit must be brought, vol. 8, p. 430.

To fixed amount in consideration of reduced rates, vol. 7, p. 573; vol. 10, p. 337.

Value limitation, vol. 13, p. 170.

When consideration unnecessary, vol. 13, p. 170.

Without order of railroad commissioners, Kansas statute, vol. 11, p. 144.

Mandamus to compel receiving and carriage of freight, vol. 13, p. 84.

Misdelivery.

Failure to require identification of consignee, vol. 17, p. 339.

Liability for, vol. 17, p. 338.

Liability for delivery to fraudulent purchaser, vol. 17, p. 340.

Liability of carriers for delivery of goods refused by one person to another person of same name, vol. 17, p. 340.

Presumption of proper delivery, where consignee has not been identified, vol. 17, p. 340.

Whether willful misconduct, vol. 17, p. 341.

Penal statutes, vol. 8, p. 638.

Place of sale of intoxicating liquors delivered to carrier, vol. 16, p. 185.

Railroads as common carriers, vol. 2, p. 566.

Rates.

Competition as justifying difference in rates, vol. 13, p. 313.

Discrimination by companies forming new line, vol. 17, p. 379.

Discrimination, effect on right of shipper to recover rebate, vol. 16, p. 236.

Limitation of action to recover excessive charges, vol. 13, p. 287.

Overcharges in freights and fares, vol. 8, p. 639.

Rebates in violation of interstate commerce act, vol. 13, p. 297.

Recovery of excess of rate charged over agreed rate

Continued.

where latter was in violation of interstate commerce schedule, vol. 13, p. 277.

Reasonable time for removal of goods after their arrival at destination, question for jury, vol. 20, p. 461.

Rebates.

Right of shipper to recover excess over agreed rate, vol. 16, p. 236.

Recovery of overcharges, vol. 10, p. 363.

Stoppage in transitu, vol. 21, p. 501.

Termination of liability, vol. 2, p. 720.

Warehousemen.

Carrier's liability, vol. 13, p. 92; vol. 17, p. 397.

Common carriers by water, vol. 11, p. 115.

Company's liability as in case of loss by fire, vol. 15, p. 498.

Liability under statute making railroad liable for loss by fire, vol. 13, p. 259.

Massachusetts doctrine, vol. 11, p. 111.

New Hampshire doctrine, vol. 11, p. 114.

Reasonable time for removal of goods, question for jury, vol. 11, p. 120.

When liability begins, vol. 11, p. 111; vol. 17, p. 398; vol. 20, p. 461.

What constitutes common carriers, vol. 2, p. 565.

When Relation of Shipper and Carrier Begins.

General rule, vol. 20, p. 463.

Goods on spur track that must be moved in order to weigh, vol. 20, p. 463.

Not when goods are in cars on side track and station agent refuses to ship, vol. 20, p. 464.

When goods are in car on side track with carrier's consent, vol. 20, p. 463.

Whether Carrier Liable for Non-delivery of Freight Seized by Public Authorities under Police Regulations.

Collusive agreement in evasion of law, vol. 21, p. 507.

CARRIERS OF FREIGHT—*Continued.*

- Failure to deliver firearms believed to be intended for mob, vol. 21, p. 506.
- Failure to pay custom dues on goods before their delivery to carrier, vol. 21, p. 507.
- Game seized without legal process, vol. 21, p. 506.
- Goods intrusted to carrier by police, vol. 21, p. 505.
- Intoxicating liquors destroyed by United States soldiers to prevent its sale to Indians, vol. 21, p. 506.
- Intoxicating liquors not liable to attachment taken by officer, vol. 21, p. 506.
- Officers seizing intoxicating liquors in hands of carrier as a trespasser, vol. 21, p. 507.
- Seizure of liquors intended for sale in violation of law, vol. 21, p. 505.
- Whether Carrier Liable for Non-Delivery of Freight Seized While in Its Custody under Legal Process.**
 - Burden of proof as to validity of process, vol. 21, p. 505.
 - Carrier could not hold goods for creditors of shipper, vol. 21, p. 504.
 - Carrier holding goods to allow creditors to attach, vol. 21, p. 502.
 - Carrier must give notice of seizure, vol. 21, p. 502.
 - Carrier not bound to remove goods to prevent seizure, vol. 21, p. 502.
 - Carrier not bound to resist officer to prevent seizure, vol. 21, p. 502.
 - Carrier not bound to surrender goods to mortgagee, vol. 21, p. 504.
 - Carrier not chargeable with knowledge of unconstitutionality of statute, vol. 21, p. 505.
 - Carrier's duty as to goods after dissolution of attachment, vol. 21, p. 505.
 - Duty of carrier after giving notice of seizure, vol. 21, p. 504.
 - Garnishment, carrier's lack of knowledge as to ownership of consignment, vol. 21, p. 504.

CARRIERS OF FREIGHT—*Continued.*

- General rule, vol. 21, p. 501.
- Goods cannot be attached for vendor's debt, vol. 21, p. 505.
- Goods not attachable in suit against consignee, vol. 21, p. 505.
- Negligence in complying with mere telegram from sheriff, vol. 21, p. 505.
- Right to yield possession of goods to one having paramount title, vol. 21, p. 502.
- Seizure must be under legal process, vol. 21, p. 504.
- Whether carrier can compel shipper to insure goods for its benefit, vol. 21, p. 861.
- Whether carrier may contract for benefit of insurance on goods, vol. 21, p. 860.
- Whether notice to consignee of arrival of goods is essential to the termination of liability as carrier, vol. 20, p. 461.

CARRIERS OF LIVE STOCK.*See Carriers of Freight.*

- Assumption of risk by shipper, vol. 7, p. 525.
- Burden of proof where carrier has contracted for exemption from negligence, vol. 18, p. 425.
- Burden of proof where shipper has charge, vol. 18, p. 424.
- Burden on carrier to prove causes of injury, vol. 18, p. 423.
- Constitutionality of statutes prohibiting the transportation of diseased live stock, vol. 4, p. 630.
- Contributory Negligence.**
 - Of shipper as defense where carrier has furnished defective cattle pens, vol. 18, p. 292.
 - Shipper not charged with knowledge of defect not patent, vol. 7, p. 525.
- Delivery, received for immediate shipment, vol. 22, p. 89.
- Delivery to carrier, agents of both parties engaged in loading cattle received in carrier's pens, vol. 22, p. 90.
- Delivery to carrier, horses injured by reason of rotten gangway, vol. 22, p. 89.

CARRIERS OF LIVE STOCK CARRIERS OF LIVE STOCK*—Continued.*

- Delivery to carrier, owner contracting to take personal charge and assuming risk of transportation, vol. 22, p. 90.
- Delivery to carrier, placing in pens by permission of agent before received for shipment, vol. 22, p. 90.
- Delivery to carrier, placing stock in pen, vol. 22, p. 89.
- Delivery to carrier, received for transportation, vol. 22, p. 89.
- Delivery to carrier receiving hogs in pen, vol. 22, p. 89.
- Delivery to carrier, stock received by employee without authority, vol. 22, p. 90.
- Duty as to feeding and watering stock, vol. 9, p. 674.
- Duty to furnish cars, vol. 7, p. 524.
- Inspection of cars by shipper, vol. 7, p. 525.
- Liability for damage from loading where loaded by shipper, vol. 19, p. 28.
- Liability for injuries occasioned by propensities of animals, vol. 18, p. 419.
- Liability for stock shipped in owner's private car, vol. 19, p. 29.
- Liability of carrier as affected by the effect of delay on propensities of animals, vol. 18, p. 422.
- Liability of carrier where shipper assumes duty of caring for stock, vol. 11, p. 137.
- Liability where drovers permitted to load, vol. 19, p. 30.
- Liability where injury is caused by negligence of the carrier and propensities of the animal, combined, vol. 18, p. 422.
- Liability where shippers insisted on loading, vol. 19, p. 29.
- Limitation of Liability.**

Right of carrier to limit its liability as to cars furnished, vol. 7, p. 524.

Right of carrier to limit its liability to its own line, vol. 7, p. 609.

Stipulation limiting time in which suit must be brought, vol. 8, p. 430.

Validity of contract of exemption from liability for damages from defective cars, vol. 7, p. 525.

—Continued.

- Validity of contracts for shipment of live stock limiting carrier's liability by imposing upon shipper the duty of loading and unloading, vol. 21, p. 436.
- Validity of stipulation of exemption from liability in consideration of drover's pass, vol. 8, p. 420.
- Recovery allowed notwithstanding shipper's improper loading, vol. 19, p. 30.
- Special contract for feeding and watering, vol. 18, p. 275.
- Stipulation Requiring Notice to Be Given before Removal of Stock.**
- Burden of proof, vol. 6, p. 635.
- Cattle shipped to distant point, vol. 6, p. 634.
- Connecting lines, vol. 6, p. 634.
- Damage not discovered at the time, vol. 6, p. 633.
- No agent at destination, vol. 6, p. 634.
- Pleading, vol. 6, p. 636.
- Removal by carrier's agent, vol. 6, p. 634.
- Substantial compliance, vol. 6, p. 636.
- Validity in general, vol. 6, p. 632.
- Waiver, vol. 6, p. 634.
- What is a violation of the stipulation, vol. 6, p. 637.
- Stockman traveling on drover's pass a passenger, vol. 8, p. 419.
- What are injuries resulting from propensities of animals for which carrier is not liable, vol. 18, p. 420.
- What constitutes delivery of live stock to carrier, held to constitute delivery, vol. 22, p. 89.

CARRIERS OF PASSENGERS.*See Accidents.**Assaults.**Baggage.**Constitutional Law.**Damages.**Interstate Commerce.**Mandamus.**Master and Servant.**Stations and Depots.**Street Railways.**Tickets and Fares.*

CARRIERS OF PASSENGERS*—Continued.*

Action on tort or contract for injury to passenger, vol. 8, p. 375.

Appliances.

Duty of carrier in providing, vol. 12, p. 179.

Duty to adopt improved appliances, vol. 19, p. 194.

Question for jury whether an improved appliance should have been adopted, vol. 19, p. 197.

Appliances, Inspection of.

Defects caused by manufacturer's negligence, vol. 18, p. 639.

Early rule, vol. 18, p. 639.

General rule, vol. 18, p. 638.

Inspection does not relieve carrier from liability, vol. 18, p. 638.

Latent defects, vol. 18, p. 638.

Sufficiency of, a question of fact, vol. 18, p. 638.

Baggage.

Injuries to passenger by collision with baggage trucks or by the removal of baggage, vol. 6, pp. 486, 487.

Burden of proof in action for death by derailment of train, vol. 5, p. 309.

Carrying Passengers beyond Destination.

Fright, vol. 10, p. 259.

Inconvenience, vol. 10, p. 259.

In general, vol. 10, p. 259.

Injury, vol. 8, p. 522; vol. 10, p. 259.

Liability of carrier, vol. 2, p. 185; vol. 10, p. 259.

Liability of company for carrying child beyond destination, vol. 8, p. 378.

Measure of damages, vol. 2, p. 185.

Mental anxiety, vol. 10, p. 260.

Sickness, vol. 10, p. 259.

Sleeping passenger, vol. 8, p. 522.

Change, vol. 6, p. 689.

Collisions, vol. 7, pp. 317, 318.

Collisions with baggage trucks, vol. 6, p. 486.

Concurrence of accident and negligence, liability of carrier, vol. 12, p. 147.

CARRIERS OF PASSENGERS*—Continued.***Contributory Negligence.**

Vol. 10, pp. 385, 562.

Boarding moving car, vol. 6, pp. 231, 235.

Boarding train elsewhere than at place provided, effect of custom, vol. 11, p. 193.

Boarding train elsewhere than at place provided, effect of known rule, vol. 11, p. 193.

Boarding train elsewhere than at place provided, negligence, vol. 11, p. 193.

Boarding train elsewhere than at place provided, not negligence per se, vol. 11, p. 193.

Degree of care required of passenger, vol. 9, p. 652.

Duty of passengers to inform themselves as to trains, vol. 11, p. 162.

Failure of passenger to use safe means of ingress and egress to the cars, vol. 6, p. 290.

Hearsay evidence of intoxication of passenger not admissible, vol. 11, p. 834.

Injury to passengers riding in perilous position, vol. 9, p. 820.

In riding on platform of car, question for jury, vol. 7, p. 306.

Intoxication as contributory negligence, vol. 11, p. 834.

Jumping after train starts, vol. 6, p. 192.

Of passenger injured while attempting to avoid inconvenience, vol. 12, p. 148.

Part of person protruding beyond car, vol. 8, pp. 362, 364.

Passenger crossing track at station to board train injured by passing train, vol. 12, p. 302.

Passenger leaving moving train at invitation of conductor, vol. 12, p. 164.

Passenger leaving moving train contrary to warning, vol. 12, p. 222.

Riding in baggage car, vol. 14, p. 372.

Riding in baggage, mail and freight cars, vol. 14, p. 413.

CARRIERS OF PASSENGERS*—Continued.*

- Riding in dangerous place, effect of direction or consent of trainmen, vol. 14, p. 372.
- Riding in dangerous place, effect of direction or consent of trainmen, Alabama rule, vol. 14, p. 374.
- Riding in dangerous place, passenger assumes risk, vol. 14, p. 371.
- Riding on platform, after being requested to enter, vol. 14, p. 333.
- Riding on platform, by permission of carrier, vol. 14, p. 334.
- Riding on platform, in violation of rule, vol. 14, p. 333.
- Riding on platform, negligence in, a question for jury, vol. 14, p. 321.
- Riding on platform, prima facie negligence, vol. 14, p. 335.
- Riding on platform, where act is unnecessary, vol. 14, p. 332.
- Riding on platform, where there are no vacant seats, vol. 14, p. 334.
- Riding on platform, where there are unoccupied seats, vol. 14, p. 334.
- Riding with limb on window sill, or part of person protruding from car, vol. 20, p. 934.
- Standing in aisle, vol. 14, p. 458.
- When evidence of intoxication of passenger is admissible, vol. 11, p. 834.
- Whether contributory negligence for passenger to allow ladies to occupy safest position in car, vol. 17, p. 101.
- Contributory negligence, question for jury, vol. 11, p. 207.
- Damages.**
 - Ejected party must avoid increasing damage, vol. 14, p. 391.
 - Ejection of passengers, vol. 2, p. 164.
 - Elements of damages for ejection, vol. 14, p. 391.
 - Elements of damages for failure to carry passenger, vol. 12, p. 53.
 - Elements of damages where

CARRIERS OF PASSENGERS*—Continued.*

- passenger is ejected, vol. 14, p. 391.
- Exemplary damages for injury to passenger from act of servant, vol. 12, p. 131.
- Exemplary damages for injury to passenger, right to give questioned, vol. 12, p. 131.
- Exemplary damages for injury to passenger, various expressions of rule, vol. 12, p. 130.
- Exemplary damages for injury to passenger, when allowed, vol. 12, p. 130.
- Exemplary damages for insults and abuse, vol. 12, p. 92.
- Exemplary damages for simple negligence, vol. 10, p. 258.
- Exemplary damages where malice is shown, vol. 10, p. 269.
- For mental suffering where passenger wrongfully ejected, vol. 18, p. 45.
- Illegal arrest of passenger, vol. 12, p. 279.
- Inconvenience an element for failure to carry, vol. 12, p. 55.
- Insulting passenger, recovery of exemplary damages for, vol. 12, p. 92.
- Measure of damages for injuries to passengers, vol. 2, p. 214.
- Mental suffering of passenger carried beyond destination, vol. 18, p. 45.
- Sickness as elements of damages for failure to carry, vol. 12, p. 54.
- Degree of Care.**
 - Age, sex and condition of passenger as affecting degree of care, vol. 9, p. 658.
 - Care consistent with nature of conveyance and business, vol. 9, p. 657.
 - Care required, general rule, vol. 22, p. 335.
 - Degree of care to be exercised towards passengers on freight train, vol. 18, p. 760.
 - Drunken passengers, vol. 6, p. 271; vol. 10, p. 69.
 - Reasonable human care, vol. 9, p. 657.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

Utmost care, vol. 9, p. 654.

Utmost care of prudent men, vol. 9, p. 656.

Disability as an excuse for failure to carry, vol. 6, p. 269.

Discharging Passengers.

Assistance of passenger alighting, vol. 9, p. 853.

Duty of carrier to stop train alongside platform, vol. 12, p. 225.

Duty to stop at station a reasonable time, vol. 6, p. 191.

Liability for failure to assist passenger to alight, vol. 19, p. 498.

Platform, duty of carrier to stop train alongside, vol. 12, p. 225.

Stopping of train after announcement of station as invitation to alight, alighting in dark, vol. 12, p. 249.

Stopping of train after announcement of station as invitation to alight, alighting in daytime, vol. 12, p. 249.

Stopping of trains after announcement of station as invitation to alight, questions for jury, vol. 12, p. 249.

Time allowed passengers to leave train, vol. 6, p. 191.

Time allowed passengers to leave train, evidence, vol. 6, p. 193.

Time allowed passengers to leave train, questions of law and fact, vol. 6, p. 193.

Time allowed passengers to leave train, sick or decrepit passengers, vol. 6, p. 192.

Time allowed passengers to leave train, when company is liable, vol. 6, p. 191.

Time allowed passengers to leave train, when company is not liable for accident, vol. 6, p. 192.

Duty of carrier as to persons assisting passenger, vol. 12, p. 212.

Duty of carrier to allow reasonable time for boarding and alighting from train, vol. 10, p. 300.

Duty of company to provide safe means of ingress and egress, vol. 6, p. 290.

—Continued.

Duty of Railroad Companies, as Carriers of Passengers, to Provide Safe Road.

Bridges and trestles, acts of public enemy, vol. 22, p. 335.

Bridges and trestles, actual knowledge of defect not required to render company liable, vol. 22, p. 335.

Bridges and trestles, burden of proving negligence where unusual flood, vol. 22, p. 335.

Bridges and trestles, general rule, vol. 22, p. 335.

Bridges and trestles, inspection of material, vol. 22, p. 335.

Bridges and trestles, material, vol. 22, p. 335.

Bridges and trestles, may be liable for defect in construction by competent engineer, vol. 22, p. 335.

Bridges and trestles, must be constructed with reference to accidents, vol. 22, p. 335.

Bridges and trestles, not required to provide against extraordinary flood, vol. 22, p. 335.

Cuts and embankments, care required to prevent derailment, vol. 22, p. 335.

Erroneous instruction making carrier insurer of perfection of roadbed, vol. 22, p. 335.

General rule, vol. 22, p. 335.

Lack of means no defense for failure to build better bridge, vol. 22, p. 335.

Landslide in cut not act of God, vol. 22, p. 335.

Liability for culvert insufficient because of breaking of dam on adjoining property, vol. 22, p. 335.

Liable for slight negligence with respect to tracks, vol. 22, p. 335.

Not an insurer, but must use a high degree of skill, vol. 22, p. 335.

Not relieved from liability for defective culvert by employing competent engineer, vol. 22, p. 335.

Ordinary means for repairing bridge may not be sufficient, vol. 22, p. 335.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

- Providing against extraordinary floods, vol. 22, p. 335.
- Providing against ordinary rainfall, vol. 22, p. 335.
- Rails, breaking merely because of cold, vol. 22, p. 335.
- Rails, defect in as evidence of negligence, vol. 22, p. 335.
- Rails, different length, vol. 22, p. 335.
- Rails, expansion and contraction caused by heat and cold, vol. 22, p. 335.
- Rails, injuries to passenger of another company, vol. 22, p. 335.
- Rails, inspection, vol. 22, p. 335.
- Rails, length, vol. 22, p. 335.
- Rails, much used "U" rail next to "T," vol. 22, p. 335.
- Rails, pieces of old rail used as substitute for broken rail, vol. 22, p. 335.
- Rails, presumption of negligence from broken rails, vol. 22, p. 335.
- Rails, presumption of negligence from defective rail, vol. 22, p. 335.
- Rails, pushed out of position by reason of trains being run only one way over each track, vol. 22, p. 335.
- Rails, spread of bent rails, vol. 22, p. 335.
- Selection of material used, vol. 22, p. 335.
- Showing knowledge of defect in embankment, vol. 22, p. 335.
- Statements of general rule, vol. 22, p. 335.
- Storms as notice of need of repairs, vol. 22, p. 335.
- Storms which may be expected though of rare occurrence, vol. 22, p. 335.
- Switches, vol. 22, p. 335.
- Tracks, care that very cautious person would exercise, vol. 22, p. 335.
- Tracks, defect at other point than where car left track may be shown, vol. 22, p. 335.
- Tracks, duty to repair, vol. 22, p. 335.

—Continued.

- Tracks, engine derailed by reason of depression in, vol. 22, p. 335.
- Tracks, excavating under or about, vol. 22, p. 335.
- Tracks, failure to place frogs to prevent car going in wrong direction from being derailed, vol. 22, p. 335.
- Tracks, ice on, vol. 22, p. 335.
- Tracks, inspection, vol. 22, p. 335.
- Tracks, must keep pace with science, vol. 22, p. 335.
- Tracks, not required to exercise the utmost possible precaution imaginable, vol. 22, p. 335.
- Tracks of another company, vol. 22, p. 335.
- Tracks, passenger on freight train, vol. 22, p. 335.
- Tracks, pecuniary condition no excuse, vol. 22, p. 335.
- Tracks, perfectly safe ones not required, vol. 22, p. 335.
- Tracks, proximity of causing injury to passenger standing on platform of crowded car, vol. 22, p. 335.
- Tracks, rotten ties, vol. 22, p. 335.
- Tracks, rough roadbed causing window sash to fall on passenger's hand, vol. 22, p. 335.
- Tracks, ties not required to support derailed train, vol. 22, p. 335.
- Trestle damaged by unusual rain, vol. 22, p. 335.
- Using lift-bridge owned by state, liability for defect in balancing weight, vol. 22, p. 335.
- Washing away of embankment, vol. 22, p. 335.
- Duty to furnish equal advantage to all, vol. 2, p. 18.
- Duty to furnish seat, vol. 12, p. 158.
- Duty to have sufficient force of employees, vol. 14, p. 366.
- Duty to person assisting departing passenger, vol. 20, p. 121.
- Duty to person assisting sick passenger, vol. 20, p. 121.
- Duty to protect passenger from strangers at station, vol. 14, p. 249.

CARRIERS OF PASSENGERS

—Continued.

Duty to Receive Passengers.

- Vol. 6, p. 269.
- Carrier not bound to carry intoxicated person, vol. 11, p. 834.
- Disabled persons without attendant, vol. 6, p. 270.
- Disability as an excuse for failure to carry, vol. 6, p. 269.
- In general, vol. 6, p. 270.
- Insane persons, right to refuse to carry, vol. 11, p. 835.
- Persons who may be excluded vol. 6, p. 270.
- Right to refuse transportation to intoxicated persons, vol. 11, p. 833.
- Slight intoxication no reason for refusing transportation, vol. 11, p. 833.
- Duty to restrain passenger from voluntarily exposing himself, vol. 8, p. 727.
- Duty to stop train alongside platform, vol. 12, p. 225.

Duty to Warn and Instruct Passenger.

- Approaching train, vol. 21, p. 933.
- Danger of alighting from rear platform, vol. 21, p. 933.
- Distance between platforms of cars, vol. 21, p. 931.
- Failure to give notice of defective condition of car, vol. 21, p. 932.
- Failure to warn person in charge of stock and obliged to walk on top of car shed, vol. 21, p. 931.
- Injured by reason of difference of level between cars while carrying sick fellow passenger, vol. 21, p. 931.
- Leaving car by wrong door, vol. 21, p. 932.
- Location of trains at eating stations, vol. 21, p. 933.
- Passenger injured while alighting, vol. 21, p. 932.
- Passenger injured while alighting by reason of switch engine being brought in violent contact with car, vol. 21, p. 932.
- Passenger on walk near track injured by reason of extraordinary projection of brakes, vol. 21, p. 931.

CARRIERS OF PASSENGERS

—Continued.

- Unexpected exodus of passengers, vol. 21, p. 933.
- Unsafe place to alight, vol. 21, p. 932.
- Eating house stations, vol. 6, p. 488.

Ejection of Passengers.

- Disorderly conduct, vol. 2, p. 164.
- Drunken passengers, vol. 10, p. 69.
- Ejection of passenger for failing to pay child's fare, vol. 17, p. 139.
- Ejection of passenger unable to care for himself, vol. 2, p. 213.
- Intoxicated persons, vol. 11, p. 835.
- Mistake of ticket agents and conductors, vol. 5, p. 226; vol. 10, p. 272.
- Nonpayment of fare, vol. 2, p. 162.
- Passenger holding defective ticket, vol. 10, p. 49.
- Place of ejection of commuter, vol. 14, p. 394.
- Statutory provisions as to place of, vol. 16, p. 120.
- Tender of fare during or after ejection, vol. 2, p. 163.
- Employees as passengers, vol. 8, p. 689.

Evidence.

- Hearsay evidence of intoxication not admissible, vol. 11, p. 834.
- When evidence of intoxication admissible, vol. 11, p. 834.
- Exclusive privileges at stations to local carriers, vol. 19, p. 307.

Exemption from Liability.

- Validity of stipulation of exemption from liability in consideration of a drover's pass, vol. 8, p. 420.
- Exemption from liability for injury to newsboy, vol. 14, p. 541.

Freight Trains.

- Assumption of increased risks by passenger, vol. 2, pp. 17, 22; vol. 9, p. 668; vol. 10, p. 263.
- Liability of company, vol. 10, p. 263.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS*—Continued.**—Continued.***How Relation of Carrier and Passenger Created.**

Acceptance by carrier essential, vol. 20, p. 123.

Consent of carrier essential, vol. 20, p. 123.

Entry into cars not essential, vol. 20, p. 126.

Not by contract for future transportation, vol. 20, p. 123.

Not by mere failure to order from train, vol. 20, p. 126.

Not by offer to pay fare to unauthorized employee, vol. 20, p. 125.

Offering himself for carriage essential, vol. 20, p. 122.

Payment of fare not essential, vol. 20, p. 124.

Possession of ticket not essential, vol. 20, p. 123.

Purchase of ticket not essential, vol. 20, p. 123.

Ice on car step, vol. 8, p. 480.

Imputable Negligence.

Whether negligence of carrier is imputable to passenger, vol. 10, p. 837.

Increasing number of trains, vol. 6, p. 260.

Inevitable accident, vol. 9, p. 659.

Injuries to passengers by servants of carrier and by fellow passengers, vol. 2, p. 445.

Injury caused by things thrown from car, vol. 6, p. 486.

Injury to passengers walking back after being carried beyond destination, vol. 8, p. 522; vol. 10, p. 259.

Insane persons, degree of care, vol. 6, pp. 266, 271.

Insufficient platform between tracks, vol. 7, p. 729.

Insults and abuse, passenger's right to recover for, vol. 12, p. 19.

Intoxicated Persons.

Entitled to due care, vol. 11, p. 833.

Leases and Running Powers.

Liabilities for injuries where there is a partnership arrangement between several carriers, vol. 12, p. 252.

Liability for collision caused by other company having statutory running powers

over defendant's line, vol. 19, p. 522.

Legal tender of fare, vol. 5, p. 308.

Liability for Assaults by Employees.

Assaults outside scope of employment, application of rule, vol. 22, p. 924.

Assaults outside scope of employment commenced on car and continued in office of company, vol. 22, p. 924.

Assaults outside scope of employment, forcible expulsion of passengers by brakeman without authority to expel, vol. 22, p. 924.

Assaults outside scope of employment, in general, vol. 22, p. 924.

Assaults outside scope of employment, limitation of rule, vol. 22, p. 924.

Assaults outside scope of employment, minority rule, vol. 22, p. 924.

Assaults outside scope of employment, prevailing rule, vol. 22, p. 924.

Assaults provoked by passengers, vol. 22, p. 924.

Assaults within scope of employment, vol. 22, p. 924.

In general, vol. 22, p. 924.

Justifiable assaults, vol. 22, p. 924.

Vaccination of passengers on steamship, vol. 22, p. 924.

Which are or are not within scope of employment, vol. 22, p. 924.

Liability for injuries received by passenger through fright, vol. 7, p. 584.

Liability for Injury to Passenger Traveling on Through Ticket.

Doctrine in the United States, vol. 12, p. 254.

English doctrine, vol. 12, p. 253.

Minority doctrine in the United States, vol. 12, p. 253.

Liability for Malicious Acts of Employees.

Doctrine in England, vol. 12, p. 272.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS*—Continued.*

- Doctrine in United States, vol. 12, p. 266.
- Doctrine of special liability of carriers, vol. 12, p. 267.
- Doctrine of special liability of carriers denied, vol. 12, p. 269.
- New York cases recognizing special liability of carriers, vol. 12, p. 271.
- New York following general doctrine, vol. 12, p. 270.
- Liability for slight negligence, vol. 9, p. 656.
- Liability of company where there are two exits, one safe and the other unsafe, vol. 7, p. 729.
- Limiting Liability.**
 - Limitation of liability for negligence, vol. 18, p. 658.
 - Mail clerks, vol. 5, p. 406.
- Mandamus.**
 - Duty of carrier to receive and carry enforceable by, vol. 13, p. 84.
 - Mixed train, vol. 6, p. 259.
 - Operation of mixed trains, vol. 12, p. 243.
 - Operation of trains compelled, vol. 12, p. 242.
 - Operation of trains not compelled, vol. 12, p. 244.
 - Stopping trains at station, vol. 6, p. 258; vol. 12, p. 245.
- Mistakes of Agents.**
 - Connecting carriers, vol. 10, p. 274.
 - Invalid ticket or token, vol. 10, p. 273.
 - Mistake of agent in sale of ticket, vol. 5, p. 226; vol. 10, p. 272.
- Obstructions on or near Track.**
 - Cars, vol. 22, p. 335.
 - Car step broken against pile of stones, vol. 22, p. 335.
 - Coal bins, vol. 22, p. 335.
 - Coming in contact with column of elevated railroad, vol. 22, p. 335.
 - Duty to fence track, vol. 22, p. 335.
 - Gates across highway, vol. 22, p. 335.
 - Passenger on double decker street car injured by bridge, vol. 22, p. 335.

—Continued.

- Passengers on step or running-board, vol. 22, p. 335.
- Postal clerk struck by bridge while catching mail bag, vol. 22, p. 335.
- Telegraph pole, vol. 22, p. 335.
- Timber and bushes near track, vol. 22, p. 335.
- Track moved near derrick, vol. 22, p. 335.
- Upright plank in trench, vol. 22, p. 335.
- Upright sewer plank, vol. 22, p. 335.
- Overcharges in freights and fares, vol. 8, p. 639.
- Passengers for flag stations, duty of conductor as to, vol. 4, p. 216.
- Passengers injured by removal of trunk, vol. 6, p. 487.
- Passengers struck by mail bag, vol. 6, p. 487.
- Penal statutes, vol. 8, p. 638.
- Presumption of Negligence.**
 - Arising from injury to passengers, vol. 14, p. 289.
 - Arising from injury to passenger alighting, vol. 14, p. 290.
 - Cases where presumption does not arise, vol. 16, p. 128.
 - Derailment as giving rise to, vol. 16, p. 126.
 - Derailment merely prima facie proof of negligence, vol. 16, p. 129.
 - From injury to passenger in collision between trains, vol. 17, p. 240.
 - Illustration of what may give rise to, vol. 12, p. 173; vol. 16, p. 127.
 - Presumption of, from injury to passenger in collision between trains, vol. 17, p. 240.
 - Presumption that one was a passenger, when arising, vol. 20, p. 131.
 - Presumption that one was a passenger, when not arising, vol. 20, p. 131.
 - Protection of colored passengers, vol. 8, p. 713.
 - Railroad compelled to run trains, vol. 6, p. 258.
 - Right of recovery where collision occurs through concurrent negligence of carriers, vol. 12, p. 13.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS*—Continued.*

Right to exclude persons from station, vol. 8, p. 660.

Rules and Regulations.

Freight train, vol. 2, p. 17.

Passengers must take notice of, and are bound by reasonable regulations, vol. 2, p. 23.

Right of carriers of passengers to make, vol. 2, p. 22.

Rules, waiver by conductor, vol. 17, p. 431; vol. 20, p. 278.

What regulations are reasonable, vol. 2, p. 23.

Running train between car and station, vol. 17, p. 58.

Sick persons, duty of carrier, vol. 11, p. 836.

Sick persons, liability of carrier where passenger with apoplexy is thought to be intoxicated and taken from car, vol. 11, p. 836.

Sick persons, right to refuse transportation, vol. 11, p. 833.

Stopping at station a reasonable time, vol. 6, p. 193.

Stranger causing injury to passenger, liability of carrier, vol. 12, p. 179.

Sudden starting of train, vol. 10, p. 76.

Tender of fare, vol. 6, p. 689.

Tender of large sum to conductor to make change, vol. 6, pp. 689, 690.

Termination of Relation.

Alighting at eating stations, vol. 12, p. 118.

Alighting at intermediate station, vol. 20, p. 131; vol. 12, p. 117.

Alighting at intermediate station, view that passenger may recover, vol. 12, p. 118.

Alighting at stops to allow other trains to pass, vol. 13, p. 118.

Illustrations, vol. 12, p. 88.

Leaving train before reaching station for the purpose of walking home, vol. 20, p. 131.

Misconduct of passenger, vol. 12, p. 89.

Passenger working on train at request of trainmen, vol. 20, p. 131.

—Continued.

Person crossing intervening tracks to platform after alighting, vol. 20, p. 131.

Reasonable time to depart from premises, vol. 12, p. 88.

When relation terminates, vol. 20, p. 131.

Who Are Passengers.

Vol. 2, pp. 18, 21.

Adult son riding on family commutation ticket, vol. 20, p. 124.

Bridge superintendent riding over incomplete road, vol. 20, p. 121.

Child for whom ticket should have been procured, vol. 20, p. 121.

Child nine years of age in car with her mother, vol. 20, p. 121.

Circus employee on defective car controlled by his master, vol. 20, p. 121.

Employees of company, vol. 2, p. 18.

Employees on pay cars, vol. 10, p. 636.

Employees riding to and from work, vol. 20, p. 122.

Express messengers, vol. 20, p. 122.

Fraudulent evasion of payment of fare, vol. 2, p. 16.

Freight trains, vol. 2, pp. 17, 22.

Holder of pass procured by fraud, vol. 20, p. 125.

Invitation to become passenger, vol. 2, p. 18.

Mail agent, vol. 2, p. 17; vol. 5, p. 405.

Mail clerks, vol. 20, p. 122.

Mere purchaser of ticket is not, vol. 20, p. 128.

Passenger defined, vol. 2, p. 21.

Payment of fare or entry into cars not essential, vol. 2, p. 21.

Persons allowed to remain after justifiable refusal to pay fare, vol. 20, p. 126.

Persons allowed to remain after wrongful refusal to pay fare, because of threats to resist, vol. 20, p. 126.

Persons assisting departing passengers, vol. 20, p. 121.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—*Continued.*

- Persons assisting sick passenger, vol. 20, p. 121.
- Person attempting to ride in good faith on nontransferable ticket of another, vol. 20, p. 123.
- Person attempting to board moving street car, when, through neglect, no attention has been paid to his signals to stop, vol. 20, p. 128.
- Person attempting to board moving street car without indicating his intention, vol. 20, p. 128.
- Person attempting to board train, vol. 2, p. 17.
- Person attempting to board train stopping only for the purpose of leaving passengers, without indicating his intention, vol. 20, p. 130.
- Persons being transferred around washout or wreck, vol. 8, p. 727; vol. 20, p. 122.
- Persons boarding moving train, vol. 9, p. 619; vol. 20, p. 128.
- Persons boarding moving train, before reaching a place of safety inside, vol. 20, p. 128.
- Persons boarding train without permission, vol. 20, p. 127.
- Persons fraudulently evading payment of fare, vol. 20, p. 125.
- Persons getting on or off moving street cars, where forbidding rule has been waived, vol. 20, p. 128.
- Persons hailing street car, vol. 20, p. 128.
- Person having no notice of conductor's lack of authority received by him as passenger on construction train, vol. 20, p. 129.
- Person inducing conductor to allow him to ride on freight train in violation of rules, vol. 20, p. 130.
- Person in ticket office refused ticket, vol. 20, p. 127.
- Person in waiting-room, vol. 20, p. 127.
- Persons on train by permission of employee, vol. 17, p. 267.

—*Continued.*

- Persons on wrong train by mistake, vol. 20, p. 129.
- Persons on wrong train through carelessness, after punching of ticket, vol. 20, p. 130.
- Person permitted to take train at place other than depot, vol. 20, p. 128.
- Person presenting ticket purchased of scalper in another state, vol. 20, p. 124.
- Person riding on hand car, vol. 2, p. 18.
- Person riding on nontransferable ticket of another, question for jury, vol. 20, p. 128.
- Person riding on special train by permission of conductor, without paying fare, but without notice of conductor's lack of authority, vol. 20, p. 129.
- Person riding on ticket he was induced by conduct of carrier's employees to believe to be good for round trip, vol. 20, p. 124.
- Person riding to station in company's stage, vol. 20, p. 127.
- Person traveling on train by permission of employees, vol. 20, p. 122.
- Person using empty car as waiting-room by permission of station agent, vol. 20, p. 127.
- Person waiting in station for horse car, after missing his train, vol. 20, p. 128.
- Person walking from connecting steamboat to railway, vol. 20, p. 127.
- Person with knowledge boarding train intended for a certain class, vol. 20, p. 130.
- Porter on sleeping car, vol. 20, p. 122.
- Postal clerk a passenger, vol. 2, p. 17; vol. 5, p. 405.
- Stockman traveling on drover's pass, vol. 8, p. 419; vol. 20, p. 122.

CARS.

See Taxation.

CAR STEPS.

See Street Railways.

CAR TRUST LEASES.

Liability of receiver for rental upon assumption of lease of rolling stock, vol. 10, p. 175.

CATTLE GUARDS.

See Stock, Injuries to.

Duty of railroad companies to construct and maintain cattle guards, vol. 10, p. 746.

CHANGE OF LOCATION.

Vol. 9, p. 115.

CHARTERS.

See Taxation.

Consent of stockholders to amendment of, vol. 15, p. 345.

Construction of, vol. 14, p. 810.

CHILDREN.

See Carriers of Passengers.

Contributory Negligence.

Death by Wrongful Act.

Evidence.

Turntables.

Action for death of child, Georgia statute, vol. 12, p. 537.

Care required in ejection of infant trespasser from train, vol. 20, p. 327.

Children injured on tracks or ground of company, vol. 5, p. 343; vol. 9, p. 742.

Contributory Negligence.

Apprehension of danger by child, vol. 19, p. 357; vol. 20, p. 322.

Children fourteen years of age, vol. 19, p. 356; vol. 20, p. 322.

Children non sui juris, vol. 13, p. 729; vol. 19, p. 95; vol. 20, p. 322.

Degree of care required of children, vol. 9, p. 755; vol. 13, p. 729; vol. 16, p. 615; vol. 20, p. 299.

Duty of court to instruct as to contributory negligence of children, vol. 19, p. 355.

Injuries to children through negligence of parents, vol. 10, p. 880.

Playing on turntable, vol. 19, p. 99.

Running in front of street car, vol. 10, p. 818.

Damages.

Damages for wrongful death of minor, vol. 13, p. 539.

CHILDREN—Continued.

For death of child, vol. 10, p. 557.

Measure of damages for death by wrongful act, vol. 15, p. 734.

When damages for impairment of earning capacity during minority are not recoverable, vol. 11, p. 297.

Evidence as to number of children of deceased, vol. 10, p. 866.

Imputed Negligence.

Distinction between action by parent and action by child, vol. 13, p. 714.

Parent's negligence imputed to child, vol. 13, p. 712.

Parent's negligence not imputed to child, vol. 13, p. 713.

Question whether parent's negligence imputed to child is for jury, vol. 13, p. 715.

Injuries by street car to child playing in street, vol. 6, p. 692.

Injuries to children on track, vol. 5, p. 348; vol. 9, p. 742.

Injuries to children through negligence of parents, vol. 10, p. 880.

Injuries to trespassing children, vol. 6, p. 318.

Liability for injuring infant trespasser on track where absence of lookout on rear of car, vol. 20, p. 327.

Liability for injuries to children riding on train by permission of employees, vol. 19, p. 701; vol. 20, p. 327.

Liability for injuring boy trespasser ordered from engine about to start, vol. 20, p. 327.

Liability for injury to boy riding on footboard of engine, vol. 20, p. 327.

Liability for injury to boy trespasser ordered from moving car, vol. 19, p. 754; vol. 20, p. 327.

Liability for injury to child non sui juris playing about cars left on gravity railroad, vol. 20, p. 327.

Liability for injury to child playing on pile of bridge ties in company's lumber yard, vol. 20, p. 335.

CHILDREN—Continued.

Liability for Injury to Children as Affected by Failure to Fence.

Child straying on track through defective gate and fence, vol. 18, p. 688.

Failure to fence as negligence, vol. 18, p. 687.

Failure to fence considered in determining existence of negligence, vol. 18, p. 687.

General rule, vol. 18, p. 686.

Statute making railroad liable for injuries to stock in absence of fence, vol. 18, p. 689.

Where fence required by city ordinance, vol. 18, p. 688.

Whether failure to fence is negligence in absence of statute, vol. 18, p. 668.

Liability where children are injured on track or grounds of railroad company, vol. 13, p. 814; vol. 20, p. 327.

Street railways, vol. 9, p. 532; vol. 10, p. 818.

Trespass, vol. 6, p. 318.

Trespassing on train, vol. 13, p. 742.

Turntables.

Contributory negligence of child, vol. 11, p. 310.

Degree of care required of company, vol. 11, p. 307.

Duty to fasten and secure, vol. 11, p. 306.

Injuries to children, company's negligence a question of fact, vol. 11, p. 309.

Injuries to children, proximate cause, vol. 11, p. 308.

Injury to child playing on turntable, vol. 11, p. 305; vol. 20, p. 327.

Liability for injuries to children, rule of Massachusetts and New Hampshire, vol. 11, p. 310.

Liability where table is turned by others, vol. 11, p. 307.

Proof of company's negligence, generally, vol. 11, p. 308.

Proof showing custom of railroad companies, vol. 11, p. 308.

Sufficiency of proof of injuries to children, vol. 11, p. 309.

CIRCUS EMPLOYEES.

See Carriers of Passengers.

CITIZENSHIP.

See Railroads.

COLLISIONS.

See Carriers of Passengers.

Intersection of street railways, vol. 9, p. 863.

Liability of joint tortfeasors, vol. 9, p. 151.

Street railways, vol. 9, p. 864.

COLORED PASSENGERS.

See Separate Coaches.

Protection of colored passengers, vol. 8, p. 713.

COMITY.

See Death by Wrongful Act. Receivers.

COMMON CARRIERS.

Liability of sleeping car companies, vol. 8, p. 78.

Railroads, vol. 2, p. 566.

COMPARATIVE NEGLIGENCE.

Definition, vol. 11, p. 842.

Doctrine abrogated, vol. 11, p. 844.

Existence of rule questioned, vol. 11, p. 844.

Status of doctrine, vol. 11, p. 843.

COMPETING LINES.

See Judicial Notice.

Leases.

Railroads.

COMPETITION.

See Carriers of Freight.

Interstate Commerce.

Purchase of competing line, vol. 7, p. 346.

Validity of contracts between railroads to prevent competition, vol. 11, p. 796.

CONCURRENT NEGLIGENCE.

Vol. 12, p. 336.

See Negligence.

Right of recovery where collision occurs through concurrent negligence of carriers, vol. 12, p. 13.

CONDEMNATION.

See Eminent Domain.

CONFLICT OF LAWS.

- Contract for carriage of goods, vol. 4, p. 451.
- Death by wrongful act, vol. 7, p. 114.

CONNECTING CARRIERS.

See Constitutional Law.

- Authority of agent employed to solicit passengers to receive freight from connecting line, vol. 20, p. 729.
- Authority of local agent to make contract to carry goods beyond carrier's line, vol. 20, p. 728.
- Authority of station foreman of freight department to make contract to carry goods beyond carrier's line, vol. 20, p. 729.
- Defective cars, vol. 4, p. 664.
- Existence of Partnerships between Connecting Carriers.**
 - Held not to constitute a partnership, illustrations, vol. 21, p. 869.
 - What constitutes between connecting carriers, illustrations, vol. 21, p. 869.
- Extent of carrier's right to contract over connecting lines, vol. 2, p. 649.
- Liability, vol. 9, p. 290.
- Liability for loss of baggage, vol. 2, p. ii.
- Liability in general, vol. 2, p. 649.
- Liability of connecting carrier upon sale of through tickets, vol. 5, p. 229.
- Liability of initial carrier, vol. 2, p. 647.
- Liability of initial carrier on contract for through shipment, vol. 17, p. 289.
- Liability of initial carrier under statutory provisions, vol. 13, p. 194.
- Liability of owner of goods, vol. 9, p. 290.
- Limiting Liability.**
 - Liability of initial carrier limited to its own line, vol. 13, p. 187.
 - Right of carrier to limit liability to its own line, vol. 7, p. 609; vol. 8, p. 11.
 - When stipulation limiting liability inures to benefit of connecting carrier, vol. 7, p. 713.

CONNECTING CARRIERS—

Continued.

- Mistake of agents as to tickets, vol. 10, p. 274.
- Presumption as to which carrier was negligent, vol. 5, p. 59.
- Presumption that injury occurred on last line, vol. 14, p. 212.
- When liability of connecting carrier terminates, vol. 9, p. 824.
- Whether railroad can be compelled to make contracts for transportation beyond their own lines, vol. 11, p. 586.

CONSOLIDATION.

See Leases.

Municipal Aid.

Railroads.

Taxation.

- Effect of, on existing liabilities, contracts, vol. 11, p. 596.
- Effect on pending suits in general, vol. 4, p. 318.
- Eminent domain, right of consolidated company to condemn land, vol. 4, p. 317.
- Powers of new corporations, vol. 8, p. 511.

CONSTITUTIONAL LAW.

See Consolidation.

Taxation.

- Constitutionality and effect of statutes making railroads liable as insurers, vol. 15, p. 498.
- Constitutionality of anti-ticket scalper laws, vol. 20, p. 478.
- Constitutionality of employer's liability act, vol. 21, p. 925.
- Constitutionality of Kansas fellow-servant act, vol. 12, p. 702.
- Constitutionality of separate coach statute, vol. 11, p. 156.
- Constitutionality of statute making occurrence of fire presumptive evidence of negligence, vol. 15, p. 517.
- Constitutionality of statute making railroad companies liable for all damages by fire, vol. 6, p. 387.
- Constitutionality of statute requiring signals at crossings, vol. 15, p. 179.
- Constitutionality of statutes requiring track connections at railroad intersections, vol. 20, p. 504.

CONSTITUTIONAL LAW— CONTRIBUTORY NEGLIGENCE—*Continued.*

Effect of reserved power of amendment on clause of charter exempting from taxation, vol. 19, p. 276.

Employer's liability act, vol. 9, p. 816.

Fence law, vol. 9, p. 274.

Power of legislature to fix maximum rates, vol. 8, p. 511.

Reserved right to revoke, alter or amend charter or franchise, vol. 1, p. 121.

Stopping trains at county seats, constitutionality of statute, vol. 14, p. 851.

CONSTRUCTION.

*See Railroads.
Statutes.*

CONTRACTORS.

*See Independent Contractors.
Liens.*

CONTRACTS.

*See Bills of Lading.
Connecting Carriers.
Consolidation.
Medical Services.
Railroads.
Ultra Vires.*

Agreement by railroad to stop at particular place, vol. 6, p. 715.

Verbal contract by railroad to maintain switch for benefit of shipper, vol. 6, p. 714.

CONTRIBUTORY NEGLIGENCE.

*See Carriers of Live Stock.
Carriers of Passengers.
Children.
Crossings.
Employer's Liability Acts.
Fences.
Fires.
Imputable Negligence.
Master and Servant.
Negligence.
Ordinances.
Stock, Injuries to.
Turntables.*

Accidents on Track.

No defense to action under Tennessee statute where company has failed to observe statutory precautions, vol. 13, p. 701.

Whether pedestrian injured by a street car has used due

care, a question for the jury, vol. 5, p. 458.

Burden of proof, in action, upon administrator for death of decedent, vol. 10, p. 583.

Burden of proof to show due care upon part of deceased, vol. 10, p. 522.

Carriers of Passengers.

As a complete defense in action against carrier of passengers for personal injury resulting from failure to maintain depot premises and approaches in good condition, vol. 10, p. 385.

Contributory negligence in getting off car, vol. 5, p. 629.

Degree of care required of passenger, vol. 9, p. 259.

Failure of passenger to use safe means of ingress and egress to the cars, vol. 6, p. 290.

Instinctive efforts of passenger to avoid injury, vol. 7, p. 305.

Overcome by greater negligence of carrier, vol. 7, p. 305.

Part of person protruding beyond car, vol. 8, pp. 362, 364.

Person alighting from street car, passing behind it and starting across parallel track without looking to see if another car was approaching, vol. 6, p. 651.

Protrusion of arm from window on street car, vol. 8, pp. 362, 364.

Question for jury, vol. 7, pp. 306, 533.

What constitutes contributory negligence, vol. 2, p. 301.

Crossings.

Vol. 5, p. 183.

Attempting to cross before moving street car, vol. 10, p. 562.

Attempting to cross in front of approaching train, vol. 10, p. 471.

Company liable for injury at crossing occasioned by negligence after becoming aware of the party's peril, notwithstanding his contributory negligence, vol. 10, p. 505.

CONTRIBUTORY NEGLIGENCE—Continued.

- Contributory negligence at crossing as matter of law, vol. 7, p. 532.
- Crossing in front of moving train, vol. 10, p. 472.
- Excessive speed does not excuse contributory negligence, vol. 10, p. 717.
- Horse beyond control, vol. 5, p. 482.
- Presumption of negligence at crossing, vol. 10, p. 848.
- Province of court and jury, vol. 10, p. 856.
- Special trains, vol. 5, p. 470.
- Using defective bridges at crossing, though with knowledge was not, vol. 15, p. 205.
- Violation of ordinance limiting speed, vol. 8, p. 428.
- Whether crossing before approaching train is negligence per se, vol. 10, p. 484.
- Deaf and dumb persons, vol. 10, p. 613.
- Deaf persons, vol. 6, p. 319.
- Drunkenness.**
 - As contributory negligence, vol. 7, p. 122; vol. 9, p. 264; vol. 11, p. 834.
 - As evidence of, vol. 13, p. 689.
 - As proximate cause where plaintiff has voluntarily incapacitated himself, vol. 13, p. 690.
 - Effect of defendant's knowledge of, vol. 13, p. 690.
 - Effect of, on contributory negligence, vol. 13, p. 689.
 - Intoxication as evidence of, vol. 13, p. 689.
 - Proximate cause, vol. 13, p. 690.
- Fires Set by Locomotives.**
 - Vol. 10, p. 689.
- Combustibles near right of way, vol. 10, pp. 689, 878.
- Mail clerks, vol. 5, p. 406.
- Master and Servant.**
 - Injury to employee from overhead structures, vol. 8, p. 471.
 - Knowledge of defective machinery a question of fact for jury, vol. 6, p. 751.
- Necessity of negating, vol. 6, p. 353; vol. 9, p. 100.
- Nonsuit proper where plaintiff's evidence establishes contribu-

CONTRIBUTORY NEGLIGENCE—Continued.

- tory negligence, vol. 18, p. 467.
- Nonsuit where contributory negligence appears in declaration, vol. 14, p. 289.
- Obvious danger incurred at direction of servants of company, vol. 5, p. 304.
- One caused by terror to adopt perilous alternative not guilty of, as a matter of law, vol. 12, p. 789.
- Question of law, vol. 13, p. 698.
- Whether contributory negligence to incur danger to save human life, vol. 20, p. 808.
- Whether the Declaration Need Negative Contributory Negligence.**
 - Vol. 6, p. 353; vol. 9, p. 100.
- Averments in lieu of direct negation of contributory negligence, vol. 6, p. 359.
- Freedom from contributory negligence shown by facts, vol. 6, p. 358.
- Negating in general terms, vol. 6, p. 360.
- Plaintiff must negative contributory negligence, vol. 6, p. 357.

CORPORATIONS.

See Railroads.

Stock and Stockholders.

Pleading.

- Allegation of corporate existence, vol. 10, p. 884.
- Power of railroad to purchase competing line, vol. 7, p. 346.

COSTS.

- Abandonment of condemnation proceedings, vol. 3, p. 32.

COTTON.

- Liability of carrier for cotton in compress, vol. 8, p. 477.

COUNSEL FEES.

See Damages.

- Abandonment of condemnation proceedings, vol. 3, p. 33.

COUNTERFEIT MONEY.

- Vol. 5, p. 309.

COUNTY SEATS.

- Whether statute requiring trains to stop at, is an interference with interstate commerce, vol. 7, p. 558.

COUPLING CARS.

See Master and Servant.

COUPLINGS.

See Master and Servant.

Foreign cars, mismatched couplings, vol. 8, p. 559.

Mismatched couplings not negligence per se, vol. 8, p. 558.

COUPONS.

See Bonds.

Interest upon maturity, vol. 9, p. 327.

Validity, vol. 9, p. 326.

CROSSINGS.

See Eminent Domain.

Frightening Teams.

Judicial Notice.

Licensees.

Adequacy, vol. 7, p. 623.

Authority to fix depot and terminal facilities, side tracks and switches, vol. 8, p. 614.

Authority to impose on railroad the duty to make bridges and crossings over new streets and highways, vol. 11, p. 284.

Backing Cars.

Care required, vol. 5, p. 444; vol. 12, p. 372.

Lookout on rear car, vol. 12, p. 374.

Signals, vol. 12, p. 373.

Care to be exercised by company at populous places, vol. 13, p. 499; vol. 16, p. 615.

Care to be observed by railroad company in erecting culverts, bridges, etc., vol. 8, p. 701.

Company not bound to guard against accidents at old abandoned way never legally laid out, vol. 20, p. 399.

Construction of, as invitation to cross, vol. 13, p. 469.

Contributory Negligence.

Vol. 5, p. 183.

Attempting to cross in front of approaching train, vol. 10, p. 471.

Care commensurate with danger required of traveler, vol. 12, p. 341.

Climbing between cars obstructing crossing, vol. 9, p. 876.

Collision with a second train immediately after one has passed, vol. 10, p. 493.

Company liable for injury at

CROSSINGS—Continued.

crossing occasioned by negligence after becoming aware of the party's peril, notwithstanding his contributory negligence, vol. 10, p. 505.

Contributory negligence as matter of law, vol. 7, p. 532.

Crossing in front of moving train, vol. 10, p. 472; vol. 11, p. 99.

Crossing where safety gates are closed, vol. 15, p. 6.

Failure to give signals does not excuse, vol. 18, p. 466.

Failure to give statutory signals will not entitle one guilty of contributory negligence in attempting to cross before moving train to recover, vol. 12, p. 406.

Leaving team unhitched near crossing, vol. 18, p. 466.

Negligence of injured person not presumed, vol. 12, p. 415.

Negligence of injured person presumed, vol. 12, p. 414.

No presumption either way, vol. 12, p. 417.

Obstruction of view at crossing not negligence per se, vol. 18, p. 160.

Presumption as to negligence and contributory negligence at crossing, vol. 10, p. 848.

Province of court and jury, vol. 10, p. 856.

Question of fact, vol. 7, pp. 306, 533.

Using defective bridge at crossing, vol. 15, p. 205.

Whether crossing before approaching train is negligence per se, vol. 10, p. 484.

Deaf persons, vol. 6, p. 319.

Drunken persons, vol. 7, p. 122.

Duty of company as to construction and maintenance, vol. 7, p. 623.

Duty of company as to restoration of highway, vol. 16, p. 605.

Duty of company to construct crossing over highway subsequently laid out, vol. 18, p. 668.

Duty of company to repair track, and keep it in safe condition for passage, vol. 10, p. 510.

CROSSINGS—Continued.**Farm Crossings.**

Location, vol. 19, p. 390.

Right of landowner to locate, vol. 19, p. 391.

Flagmen.

Absence of signals by flagman indicates that safe passage may be made, vol. 12, p. 422.

Failure to comply with ordinance requiring whether negligence per se, vol. 19, p. 319.

Flying switches at, vol. 13, p. 500.

Gates.

Care required in managing, vol. 22, p. 272.

Care required in managing, illustration, vol. 22, p. 272.

Effect of negligence in managing where train might have been seen by traveler, vol. 22, p. 272.

Failure to comply with ordinance requiring, whether negligence per se, vol. 19, p. 319.

Gate striking traveler, vol. 22, p. 272.

Injury to stock, vol. 22, p. 272.

Open gates as invitation to cross, vol. 5, p. 666; vol. 7, p. 742; vol. 9, p. 709.

Permitting stranger to open, vol. 22, p. 272.

Grade Crossings.

Abolishing grade crossings as exercise of police power, vol. 16, p. 599.

General rule, vol. 12, p. 435.

Jurisdiction of courts of equity, vol. 12, p. 437.

Practicability of other crossing, presumption, vol. 12, p. 437.

Highway crossing railroad, right to compensation, vol. 19, p. 570.

Implied invitation to cross, vol. 17, p. 752.

Lookouts.

Duty of engineer to keep lookout at crossing, vol. 11, p. 80.

Obstruction of.

By railroad as proximate cause of injury to traveler, vol. 14, p. 7.

CROSSINGS—Continued.

Negligence per se, vol. 14, p. 834.

Not proximate cause of injury, vol. 14, p. 834.

Obstruction of view by cars, vol. 9, p. 24.

Overhead crossing, vol. 7, p. 537.

Presumption of negligence and contributory negligence, vol. 10, p. 848.

Right of public to use railroad track as footpath when it is in the highway, vol. 7, p. 742; vol. 10, p. 504.

Right to cross track of another company, vol. 4, p. 418.

Signals.

Vol. 9, p. 241.

Act rendering signals unavailing, vol. 12, p. 378.

Admissibility of negative evidence, vol. 19, p. 386.

Character of warning to be given, vol. 12, p. 328.

Comparative weight of positive and negative evidence, vol. 19, p. 384.

Comparative weight of positive and negative evidence, question for jury, vol. 19, p. 385.

Constitutionality of statutes requiring, vol. 15, p. 179.

Contributory negligence of one attempting to cross before moving train will prevent recovery though statutory signals were not given, vol. 12, p. 406.

Distance at which to be given, vol. 12, p. 376.

Distance for giving, how ascertained, vol. 12, p. 377.

Distance for giving, statutory provisions as to, vol. 12, p. 377.

Distance must be adequate for purpose intended, vol. 12, p. 378.

Duty to give at private crossings, general rule, vol. 19, p. 557.

Duty to instruct as to comparative weight of positive and negative evidence, vol. 19, p. 385.

Evidence of other omissions to give, vol. 12, p. 384.

Exceptions to general rule as to duty to give at private crossings, vol. 19, p. 559.

CROSSINGS—Continued.

- Failure to give as affected by contributory negligence, vol. 20, p. 225.
- Failure to give signals, vol. 9, p. 354.
- Failure to give signals as affected by existence of other means of information, vol. 15, p. 164.
- Failure to give signals as proximate cause, vol. 16, p. 631.
- Failure to give signals, proximate cause of injury, vol. 10, p. 518.
- Failure to obey statutory requirements as to signals and speed at crossings, degrees of negligence, vol. 11, p. 857.
- Negative testimony given greater weight, vol. 19, p. 386.
- Question whether failure to give was cause of injury is one for jury, vol. 11, p. 859.
- Statutory signals as measure of company's duty, vol. 15, p. 173.
- Sufficiency of, a question for jury, vol. 15, p. 174.
- Where cars are backed over crossings, vol. 12, p. 373.
- Where highway passes over or under track, vol. 15, p. 185.
- Where train starts within distance at which statute prescribed for giving signals, vol. 12, p. 377.
- Whether failure to give signal is negligence per se, vol. 5, p. 430.
- Whether statutes requiring crossing signals to be given are applicable in actions for injuries not inflicted on tracks at public crossings, vol. 22, p. 204.

Signboards.

- Liability of railroad for failure to erect signboard at highway crossing, vol. 18, p. 13.

Special trains, vol. 9, p. 248.

Speed.

- Vol. 10, p. 106.
- Failure to obey statutory requirements as to signals and speed at crossings, degrees of negligence, vol. 11, p. 857.

CROSSINGS—Continued.

Whether any rate is negligence per se, vol. 11, p. 859.

Whether rate of speed is negligence, a question for jury, vol. 12, p. 322.

Stop, Look and Listen.

Vol. 7, p. 742; vol. 10, pp. 467, 489, 504.

Duty of employee crossing track, vol. 12, p. 317.

Failure to do so before driving cattle across track, vol. 20, p. 793.

Failure to look and listen as affected by violation of ordinance limiting speed, vol. 19, p. 320.

Failure to, not negligence per se, vol. 12, p. 445.

Failure to, Pennsylvania rule and its application, vol. 12, p. 446.

Failure to stop not negligence per se, vol. 12, p. 444.

Obstructed view, vol. 6, p. 570; vol. 10, p. 467.

Pennsylvania rule as to failure to stop, vol. 12, p. 445.

Plaintiff's evidence rebutted by circumstances of case, vol. 7, pp. 532, 742.

Street railways, rule as to right of passage, vol. 1, p. 281.

Watchmen.

Duty to have, in the absence of statute, vol. 15, p. 191.

CULVERTS.

See Carriers of Passengers.

Liability for injuries to stock passing through culvert, under statute requiring track to be fenced, vol. 20, p. 237.

CUTS.

See Carriers of Passengers.

DAMAGES.

See Carriers of Passengers.

Children.

Death by Wrongful Act.

Eminent Domain.

Exemplary Damages.

Fires.

Pleading.

Railroads in Streets.

Stock, Injuries to.

Abutters, vol. 1, pp. 65-67.

Aggravation of injuries by plaintiff's negligence, vol. 10, p. 739.

DAMAGES—Continued.

Carriers of Freight.

Delay in transportation, vol. 8, p. 514.

Carriers of Passengers.

Carrying passengers beyond destination, vol. 2, p. 185; vol. 10, p. 259.

Damages for anxiety of passenger carried beyond destination, vol. 18, p. 45.

Damages for illegal arrest of passenger, vol. 12, p. 279.

Damages for mental suffering of passenger wrongfully ejected, vol. 2, p. 164; vol. 18, p. 45.

Failure to stop at station, vol. 2, p. 185.

Measure of damages for injuries to passenger, vol. 2, p. 214.

Children.

Elements for death of minor child, vol. 13, p. 539.

Contributory negligence causing mitigation of damages, vol. 13, p. 702.

Cost of medical treatment, vol. 6, p. 751; vol. 11, p. 599; vol. 12, p. 195; vol. 20, p. 178.

Crossings.

Highway crossing railroad, elements of damages, vol. 19, p. 570.

Measure of damages where highway crosses railroad, vol. 19, p. 572.

Damages for trespass under honest claim of title, vol. 11, p. 838.

Death by Wrongful Act.

Admissibility of evidence of beneficiary's health in action to recover for death by wrongful act, vol. 16, p. 475.

Admissibility of evidence of pecuniary condition of plaintiff or beneficiary in action for death by wrongful act, vol. 13, p. 507.

Admissibility of evidence that deceased furnished support for plaintiff, vol. 13, p. 509.

Dependency upon deceased, vol. 8, p. 398.

Death of child, vol. 10, pp. 557, 734.

Evidence of age, habits, etc., in showing value of services, vol. 12, p. 404.

DAMAGES—Continued.

Evidence of number and ages of surviving children in action by wife for death of husband, vol. 15, p. 759.

Evidence of pecuniary condition of plaintiff or beneficiary admissible in action for death, vol. 13, p. 507.

Evidence of pecuniary loss, admissibility of indirect evidence of, in action for death by wrongful act, vol. 12, p. 403.

Evidence that deceased furnished support for plaintiff admissible, vol. 13, p. 509.

Funeral expenses, vol. 5, p. 682; vol. 9, p. 252; vol. 10, p. 557.

Life expectancy, vol. 8, p. 398.

Measure of damages, vol. 10, p. 542; vol. 13, p. 552.

Rule of computation in Railroad Co. v. Trammell, vol. 14, p. 803.

Solatium for wounded feelings in action for wrongful death, vol. 18, p. 46.

Suffering of deceased and wounded feelings or grief for relatives, vol. 10, p. 533.

Death of Husband and Parent.

Elements of recovery, vol. 11, p. 750.

Intellectual and moral training of children, vol. 11, p. 753.

Solatium for wounded feelings, vol. 11, p. 755.

Solatium for wounded feelings, modified doctrine, vol. 11, p. 758.

Eminent Domain.

For incidental expenses rendered necessary by taking under eminent domain, vol. 8, p. 710.

Use of railroad right of way by telegraph company, vol. 13, p. 422.

Evidence of lack of malice, provocation and intent when admissible in assessing damages, vol. 12, p. 123.

Exemplary Damages.

Death by wrongful act, vol. 13, p. 552.

Pleading, vol. 11, p. 183.

Punitive or exemplary damages for acts of employees, vol. 22, p. 440.

DAMAGES—Continued.

Recovery of counsel's fees as, where injuries are wanton, vol. 12, p. 47.

Fences.

Double damages for breach of fence law, vol. 9, p. 275.

Fires Set by Locomotives.

Evidence of value of trees destroyed by fire, vol. 15, p. 519.

Fright, injuries resulting from fright, vol. 8, p. 218.

Frightening teams, vol. 5, p. 304.

Interest.

Allowed because of gross negligence in actions against carriers, vol. 19, p. 628.

In actions against carriers, general rule, vol. 19, p. 626.

In actions against carriers, Illinois rule, vol. 19, p. 627.

In actions against carriers, Missouri cases, vol. 19, p. 627.

In actions against carriers, New York doctrine, vol. 19, p. 627.

On damages in eminent domain cases, vol. 9, p. 409.

When interest not recoverable as part of damages for killing stock, vol. 10, p. 111.

When interest recoverable as part of damages for killing stock, vol. 10, p. 111.

When not recoverable, vol. 11, p. 337.

When recoverable, vol. 11, p. 336.

Mental suffering, general rule as to recovery for, vol. 18, p. 44.

Mental suffering is proximate result of actionable wrong, vol. 18, p. 45.

Mental suffering of deceased and relatives, vol. 18, p. 46.

Opinion evidence as to amount of damages, vol. 8, p. 411.

Personal Injuries.

Admissibility of evidence as to plaintiff's position in life, business, etc., vol. 11, p. 143.

Admissibility of evidence of plaintiff's domestic relations, the number of his children, etc., in action for personal injuries, vol. 20, p. 632.

DAMAGES—Continued.

Declarations of suffering, vol. 15, p. 122.

Evidence that plaintiff in action for personal injuries is married and has family, vol. 14, p. 793.

Future pain and suffering, vol. 12, p. 193; vol. 20, p. 178.

Loss of earning capacity, vol. 12, p. 292.

Loss of time and wages, vol. 11, p. 872; vol. 20, p. 178.

Measure of damages for loss of leg, vol. 13, p. 825.

Mitigation of damages because of contributory negligence, vol. 13, p. 702.

Mortality tables, in action for personal injuries, vol. 14, p. 435.

Nursing by member of family, vol. 12, p. 195.

Pain and suffering, vol. 12, p. 193; vol. 20, p. 178.

Shame and mortification caused by personal injuries, vol. 15, p. 804; vol. 18, p. 46.

Verdicts for injuries to, and loss of legs and feet, vol. 12, p. 851.

Wages lost not recoverable as such, vol. 11, p. 873.

Where wages are paid during disability, vol. 11, p. 873.

Special damages must be expressly pleaded, vol. 15, p. 803.

When evidence of lack of malice, provocation, and intent admissible, in assessing, vol. 12, p. 123.

DEAF AND DUMB PERSONS.

See Accidents on Track.

Contributory Negligence.

Crossings

Street Railways.

Contributory negligence, vol. 6, p. 319; vol. 10, p. 613.

DEATH BY WRONGFUL ACT.

See Crossings.

Damages.

Admissions of deceased as evidence in action for death by wrongful act, vol. 11, p. 646.

Burden of proof, vol. 10, p. 583.

Child's death, action under Georgia statute, vol. 12, p. 537.

DEATH BY WRONGFUL ACT

—Continued.

Common-law limitation of action for death by wrongful act, vol. 11, p. 613.

Contributory Negligence.

Burden of proving due care on part of deceased, vol. 13, p. 800.

Presumption of due care on part of deceased, vol. 13, p. 800.

Damages.

Evidence as to number of children, vol. 10, p. 866.

Evidence of number and ages of children, in action by wife, vol. 15, p. 759.

Expectation of pecuniary benefit as a cause of action, vol. 10, p. 526.

Funeral expenses, vol. 5, p. 682.

Mortality tables, vol. 5, p. 361; vol. 9, p. 846.

Reckoning the expectancies of the deceased, vol. 5, p. 6.

Death caused by acts committed without the state, vol. 6, p. 50.

Existence of similar statute in state where suit is brought is essential, vol. 12, p. 714.

Extraterritorial effect of statutes, vol. 12, p. 711.

Instantaneous death, whether action lies, vol. 10, p. 608.

Massachusetts statute as to death by wrongful act a penal statute, vol. 13, p. 603.

Mother's right of action for injury to minor child where father has abandoned her, vol. 12, p. 857.

Penal action, enforcement in other jurisdiction, vol. 12, p. 713.

Presumption that deceased exercised due care, vol. 10, p. 584.

Statutory limitation of action, vol. 11, p. 613.

Suits in sister state under statute of state where accident occurred, vol. 13, p. 712.

Whether a recovery in an action for injuries causing death is a bar to an action for the death, vol. 11, p. 634.

DECLARATIONS—Continued.

See *Master and Servant*.

Res Gestæ.

Admissibility of statements made to physician, vol. 9, p. 358.

Declarations of employees while acting within the scope of their authority, vol. 10, p. 373.

DEDICATION.

See *Streets and Highways*.

Whether railroad companies may acquire land by common-law dedication, vol. 20, p. 156.

DEFECTIVE APPLIANCES.

See *Master and Servant*.

DELIVERY.

See *Carriers of Freight*.

Bill of lading as evidence of delivery, vol. 8, p. 478.

DEMURRAGE.

See *Carriers of Freight*.

Right of carrier to charge for detention of cars by shipper, vol. 2, p. 735.

DEPOTS.

See *Stations and Depots*.

DERAILMENT.

See *Negligence*.

DISCHARGE LISTS.

See *Master and Servant*.

Blacklisting a misdemeanor, statutory provisions, vol. 12, p. 755.

Distribution among other companies, vol. 12, p. 754.

Libel, vol. 12, p. 754.

Prima facie, privileged communication, vol. 12, p. 754.

Privileged communication, vol. 12, p. 753.

DISCHARGING PASSENGERS.

See *Carriers of Passengers*.

DISCRIMINATION.

See *Carriers of Freight*.

Carriers of Passengers.

DOGS.

Liability for killing, vol. 15, p. 577.

DECLARATIONS.

See *Agents*.

Evidence.

DRAINS.

Liability of railroad for injury to drain, vol. 5, p. 639.

DRUNKENNESS.

See Carriers of Passengers.
Contributory Negligence.

Contributory negligence, vol. 9, p. 264.

Crossings, vol. 7, p. 121.

Refusal of carrier to carry intoxicated person, vol. 6, p. 271.

Riding on platform of car, vol. 7, p. 313.

DUE PROCESS OF LAW.

Elevators, taking property without due process of law, vol. 6, p. 157.

Eminent domain, vol. 7, p. 26.

DYNAMITE.

See Fellow Servants.

EASEMENTS.

See Adverse Possession.

EATING HOUSES.

Vol. 6, p. 488.

See Carriers of Passengers.

Liability for personal injuries caused by failure to keep foot bridge in repair, vol. 6, p. 488.

EJECTION.

See Carriers of Passengers.
Damages.
Trespassers.

Averments of complaint, vol. 15, p. 410.

Equitable restraint, vol. 15, p. 413.

Injunction to restrain proceedings in, vol. 15, p. 413.

Notice to quit essential, vol. 15, p. 410.

Recovery of lands seized by railroads, vol. 15, p. 409.

Waiver of right, vol. 15, p. 412.

Wrongful use of street, vol. 1, p. 49.

ELECTION.

Eminent domain, vol. 6, p. 499.

ELECTRIC RAILROADS.

See Street Railways.

Electric railway wires distinguished from telephone wires, vol. 4, p. 401.

Whether trolley an additional burden, vol. 4, p. 400.

ELEMENTS OF DAMAGE.

See Damages.

ELEVATED RAILROADS.

See Street Railways.

Damages, vol. 1, pp. 380, 384.

Duty of carrier to allow reasonable time for boarding and alighting from train, vol. 10, p. 300.

Evidence as to damages, vol. 1, p. 384.

Evidence as to rental value, vol. 5, p. 644.

Open gates, vol. 10, p. 299.

Rights of abutters, vol. 1, p. 378; vol. 9, p. 731.

Right of abutting owners to compensation where elevated railroad is erected in street, vol. 10, p. 706.

ELEVATORS.

Due process of law, statutes requiring railroad company to permit individuals to maintain private elevators on its land, vol. 6, p. 157.

EMBANKMENTS.

See Carriers of Passengers.

EMINENT DOMAIN.

See Railroads.

Abandonment after confirmation of proceedings, vol. 3, p. 5.

Abandonment as estoppel, vol. 3, p. 24.

Abandonment, at what stage may the proceedings be abandoned, vol. 3, p. iv.

Abandonment, company cannot retain possession after abandonment, vol. 3, p. xxiii.

Abandonment, effect of abandonment of proceedings, vol. 3, p. xxiii.

Abandonment leaves parties in statu quo, vol. 3, p. xxiii.

Abandonment of proceedings as part of land, vol. 3, p. 11.

Abandonment of proceedings prior to confirmation, vol. 3, p. iv.

Action for the value of the land, vol. 6, p. 500.

Additional Servitude.

Vol. 1, p. 65.

Electric street railway, vol. 1, p. 326; vol. 4, p. 400.

Extra tracks on original grade, vol. 1, p. 53.

EMINENT DOMAIN—Cont'd.

- Measure and elements of damage, vol. 1, p. 52.
- Modern judicial tendency, vol. 1, p. 46.
- Noise, stenches, etc., vol. 1, p. 48.
- Ordinary railroads, vol. 1, p. 46.
- Private railroads, vol. 1, p. 47.
- Railroad in street, coal house and appurtenances, damage to abutter, side track, vol. 1, p. 52.
- Steam motors, vol. 1, p. 47.
- Street railways, vol. 1, p. 72; vol. 10, p. 230.
- As to the right under federal statutes to take railroad rights of way for telegraph line, vol. 18, p. 373.
- Compensation.**
 - Injunction where payment of award is refused, vol. 15, p. 834.
 - Payment, a prerequisite, vol. 15, p. 830.
 - What is sufficient compliance with constitutional requirement for payment of compensation, vol. 15, p. 833.
 - What is sufficient compliance with constitutional requirement where prepayment is not expressly required, vol. 15, p. 833.
- Condemnation of railroad right of way for telegraph line, grant of exclusive right, vol. 18, p. 373.
- Consolidation.**
 - Right of consolidated company to condemn land, vol. 4, p. 317.
- Construction of road over other lands, vol. 3, p. xviii.
- Costs and expenses, vol. 3, p. xxxii.
- Counsel fees, vol. 3, p. xxxiii.
- Curtesy, vol. 6, p. 500.
- Damages.**
 - Vol. 9, p. 402.
- Admissibility of evidence of sales of similar property in condemnation proceedings, vol. 11, p. 575.
- Condemnation of railroad right of way for telegraph line, vol. 13, pp. 422, 437; vol. 18, p. 372.
- Condemnation of railroad right of way for telegraph

EMINENT DOMAIN—Cont'd.

- line, compensation, vol. 18, p. 372.
- Danger from fire as element of, in eminent domain proceedings, vol. 15, p. 519.
- For abandonment of proceedings, vol. 3, p. 30.
- Highway crossing railroad, right to compensation, vol. 19, p. 570.
- Incidental expenses rendered necessary by the taking, vol. 8, p. 710.
- Injury to land not taken, vol. 13, p. 851.
- Interest on damages, vol. 9, p. 409.
- Measure of, vol. 13, p. 376.
- Measure of, where railroad right of way is taken for telegraph line, vol. 18, p. 373.
- Occupancy of track of another company, vol. 4, p. 414.
- Property injuriously affected, vol. 13, p. 375.
- Prospective profits, vol. 13, p. 384.
- Railroad right of way for telegraph line, federal statutes, vol. 18, p. 373; vol. 13, p. 408.
- Right of abutting owner to, where railroad is placed in street, vol. 13, p. 444.
- Special adaptability of land as element of damage, vol. 16, p. 717.
- Street crossing railroad, vol. 13, p. 371.
- Where no part of premises is taken, vol. 13, p. 393; vol. 17, p. 737.
- Whether damages will be allowed for improvements made by railroad company before condemnation, vol. 11, p. 569.
- Due process of law, vol. 7, p. 26.
- Election, vol. 6, p. 499.
- Elevated railroads, vol. 1, p. 378.
- Estate to be taken, vol. 13, p. 334.
- Estate to be taken where extent is fixed by legislature, vol. 13, p. 335.
- Evidence.**
 - Admissibility of evidence of sales of similar property, vol. 10, p. 419.

EMINENT DOMAIN—Cont'd.

- Exercise by foreign corporation, vol. 3, p. 36.
- Experimental assessments, vol. 3, p. iii.
- Extension of street, vol. 9, p. 402.
- Failure to file final order establishing road, vol. 3, p. xix.
- Failure to pay award and take possession of land within a reasonable time, vol. 3, p. xvi.
- Injunction against Entry before Payment of Award.
 - Entry must be permanent, vol. 15, p. 836.
 - Foreign company using line by consent of another company, vol. 15, p. 836.
 - Where award has been paid and other remedies are exhausted, vol. 15, p. 835.
 - Where entry is under misapprehension of municipal authority, vol. 15, p. 836.
 - Where payment of damages is refused or neglected, vol. 15, p. 834.
- Judgment, vol. 3, p. 36.
- Landowner permitting railroad to take possession of his land, vol. 6, p. 499.
- Leasing line to another company, vol. 3, p. xx.
- Liability of company after entry upon land under bond, vol. 3, p. xxviii.
- Liability of company for unreasonable delay, vol. 3, p. xxviii.
- Limitation of actions, vol. 1, pp. 51, 52.
- Market Value.
 - Definition, vol. 13, p. 338.
 - Estimation of, vol. 13, p. 339.
 - Right acquired, not the use of the right to be considered in estimating, vol. 13, p. 339.
 - What property would bring at fair public sale, vol. 13, p. 339.
- Nature, extent and exercise of the right, vol. 3, p. 32.
- Nonuser during pendency of proceedings, vol. 3, p. xxii.
- Notice.
 - Necessity for notice to owners of lands of proceedings to condemn same, vol. 3, p. 11.
- Not necessary that need should be immediate, vol. 3, p. 35.

EMINENT DOMAIN—Cont'd.**Occupancy of Track of Another Company.**

- In general, vol. 4, p. 411.
- Proceedings to appropriate the use of track of another company, vol. 4, p. 417.
- Only necessary estate to be taken, vol. 13, p. 335.
- Power to condemn right of way for railroad branches, spurs, or private railroads to or from private property to be especially benefited, vol. 20, p. 614.
- Power to make additional condemnation, vol. 9, p. 424.
- Prior occupation, vol. 3, p. 35.
- Provisions as to view by jury in condemnation proceedings, vol. 17, p. 691.
- Railroads as beneficiaries of right, vol. 3, p. 33.
- Recovery for loss of profits, vol. 6, p. 174.
- Rejection of motion to accept land at a certain valuation, vol. 3, p. xxi.
- Restitution, writ of, vol. 3, p. xxxiv.
- Reversion, where easement is taken, vol. 13, p. 335.
- Reversion, where fee is taken, vol. 13, p. 337.
- Right of foreign company to condemn railroad right of way for telegraph line, vol. 22, p. 282.
- Right of one railroad company to condemn property of other corporations and railroads, vol. 3, pp. 99, 103.
- Right of way, presumption as to width, vol. 9, p. 419.
- Rights of abutter, vol. 1, p. 65.
- Right of abutter to reasonable passage, vol. 1, p. 65.
- Right to abandon proceedings, vol. 3, p. i.
- Right to abandon proceedings where landowner's title is qualified and partial, vol. 3, p. ii.
- Right to select another route or recondemn, vol. 3, p. xxiv.
- Single exercise of power does not exhaust right, vol. 3, p. 34.
- Spur track as public use, vol. 13, p. 448.
- Statutory provisions as to abandonment of proceedings, vol. 3, p. x.

EMINENT DOMAIN—Cont'd.

Statutory provisions as to liability of company for abandonment, vol. 3, p. xxix.

Street Railway Crossing Railroad.

Compensation, vol. 18, p. 442.

Injunction to prevent, vol. 18, p. 441.

Telegraph company's power to condemn railroad right of way under federal statute, vol. 13, p. 408.

Telegraph lines as public improvements, vol. 13, p. 437.

Transferring right of way to another company, vol. 3, p. xxi.

Trespass, vol. 6, p. 499.

Value of land to the owner and not to the company to be considered, vol. 9, p. 65.

View by Jury.

General rule as to effect, vol. 17, p. 691.

Impression produced by, is part of evidence, vol. 17, p. 693.

Impression produced by, not part of evidence, vol. 17, p. 693.

Statutory provisions, vol. 17, p. 694.

Waiver of remedies by owner, vol. 6, p. 500.

What constitutes an abandonment of the proceedings, vol. 3, p. xvi.

What may be considered in reduction of damages, vol. 3, p. xxiii.

When company deemed a trespasser ab initio, vol. 3, p. xxiii.

When company is liable in damages, after abandonment of condemnation proceedings, vol. 3, p. xxvi.

Writ of restitution, vol. 3, p. xxxiv.

EMPLOYEES.

See Master and Servant.
Witnesses.

EMPLOYER'S LIABILITY ACTS.

Vol. 9, pp. 9, 97, 481.

See Fellow Servants.

Constitutionality, vol. 9, p. 816.

Constitutionality of Iowa statute, vol. 9, p. 9.

EMPLOYER'S LIABILITY ACTS—Continued.

Contributory negligence as bar to recovery under, vol. 18, p. 696.

Massachusetts statute, vol. 9, p. 97.

Particular cases, vol. 9, pp. 9, 11.

To what servants applicable, vol. 9, p. 9.

ESTOPPEL.

See Adverse Possession.

Carriers of Passengers.

Ultra Vires.

Abutters, vol. 1, p. 66.

Municipality, estoppel to deny recital in municipal aid bond, vol. 12, p. 868.

EVIDENCE.

See Accidents on Track.

Agents.

Bills of Lading.

Carriers of Freight.

Carriers of Passengers.

Contributory Negligence.

Crossings.

Damages.

Death by Wrongful Act.

Eminent Domain.

Fences.

Fires.

Master and Servant.

Negligence.

Photographs.

Res Gestæ.

Witnesses.

Admissibility of evidence of compromise with persons having similar claims, vol. 20, p. 575.

Admissibility of evidence of offer to arbitrate or settle, vol. 20, p. 575.

Admissibility of evidence of result of subsequent experiments, vol. 11, p. 424.

Admissibility of evidence of subsequent repairs, vol. 11, p. 407.

Admissibility of minutes and records of company as evidence, vol. 11, p. 721.

Bill of lading as evidence of delivery, vol. 8, p. 478.

Books of science, vol. 13, p. 756.

Checks, vol. 2, p. xxxiv.

Collateral facts, vol. 14, p. 16.

Death by wrongful act, declarations of suffering, vol. 15, p. 122.

EVIDENCE—Continued.

Death by wrongful act, dependency upon deceased, vol. 8, p. 398.

Elevated Railroads.

Evidence as to damages, vol. 1, p. 384.

Eminent Domain.

View by jury as, vol. 17, p. 693.

Expert Testimony.

Admissibility of opinion of medical experts, vol. 11, p. 640.

As to proper position of brakeman on a train, vol. 17, p. 481.

Reasonableness of bill for medical services, vol. 12, p. 854.

Frightening horses, vol. 5, p. 303.

Hypothetical questions, vol. 14, p. 792.

Mortality tables, vol. 5, p. 361.

Mortality tables as, in action for permanent injuries, vol. 11, pp. 539, 600; vol. 14, p. 435; vol. 15, p. 793.

Opinion evidence, vol. 14, p. 767.

Photographs, vol. 11, p. 771.

Photograph of locus in quo, vol. 7, p. 519.

Speed of trains, vol. 13, p. 799.

Tax list as evidence of value, vol. 12, p. 859.

Use of intoxicants, vol. 9, p. 264.

Usual conduct of employees, vol. 10, p. 280.

X-ray photographs, vol. 16, p. 508.

EXECUTION.

Franchises, vol. 10, p. 774.

EXECUTORS AND ADMINISTRATORS.

See Death by Wrongful Act.

Power of railroad company to attack collaterally the appointment of an administrator, vol. 7, p. 536.

Right of railway company to object to appointment, vol. 7, p. 536.

EXEMPLARY DAMAGES.

See Carriers of Passengers. Damages.

Ejection of passengers where

EXEMPLARY DAMAGES—Continued.

malice is shown, vol. 10, p. 269.

Exemplary damages for simple negligence of carrier of passengers, vol. 10, p. 258.

Gross negligence, vol. 10, p. 548.

Negligence of servant, vol. 10, p. 534.

When allowed, vol. 10, p. 548.

EXEMPTION FROM LIABILITY.

See Carriers of Goods.

Carriers of Live Stock.

Carriers of Passengers.

Tickets and Fares.

EXEMPTION FROM TAXATION.

See Consolidation. Taxation.

EXPERIMENTS.

See Evidence.

EXPERT AND OPINION EVIDENCE.

Opinion as to damages, vol. 8, p. 411.

EXPLOSIVES.

Carrier Not Bound to Receive Certain Goods.

Vol. 4, p. 306.

Criminal liability, vol. 4, p. 307.

Duty to give carrier notice, vol. 4, p. 307.

EXPRESS MESSENGERS.

See Carriers of Passengers.

Are passengers, vol. 9, p. 835.

EXTRAORDINARY CARE.

Vol. 9, p. 655.

EXTRA TRAINS.

Injuries to section hands, vol. 4, p. 545.

FARM CROSSINGS.

Vol. 9, pp. 198, 336.

See Crossings.

FEDERAL JURISDICTION.

See Jurisdiction.

FEDERAL STATUTES.

See Eminent Domain.

FELLOW SERVANTS.

Vol. 9, p. 9.

See Constitutional Law.

Employer's Liability Acts.

Master and Servant.

Blasters and teamsters are, vol. 20, p. 296.

Blasting crew and foreman having charge of dynamite may be, vol. 20, p. 296.

Brakeman not fellow servant of car inspector, vol. 19, p. 435.

Burden of proof, vol. 14, p. 624.

Car inspectors are not vice principals, vol. 14, p. 558.

Car inspectors are vice principals, vol. 10, p. 877; vol. 14, p. 558.

Concurring negligence of master and fellow servant, vol. 12, p. 791; vol. 16, p. 570.

Conductor as vice principal, vol. 8, p. 630.

Constitutionality of employer's liability act, vol. 9, p. 816.

Constitutionality of Iowa statute, vol. 9, p. 9.

Criterion of fellow service, vol. 12, p. 684; vol. 16, p. 570; vol. 20, p. 491.

Different Department Limitation of Fellow-Servant Rule.

Apparently favoring doctrine, vol. 22, p. 847.

Authorities supporting doctrine, vol. 22, p. 847.

Effect of consociation or absence of consociation on application of doctrine, vol. 22, p. 847.

General statements of doctrine, vol. 22, p. 847.

Illustrations supporting doctrine, vol. 22, p. 847.

Rejection of doctrine, illustrations, vol. 22, p. 847.

Weight of authority against doctrine, vol. 22, p. 847.

Employee's knowledge of fellow servant's incompetency as notice to master, vol. 14, p. 624.

Employees of One Railroad as Fellow Servants of Employees of Another Company.

Are fellow servants, vol. 22, p. 455.

Are, when working under directions of servants of another company, vol. 22, p. 455.

FELLOW SERVANTS—Cont'd.

Engineer and employee of coal company directing as to time and place for dumping cars, are, vol. 22, p. 455.

Express or implied consent of servant necessary to transfer of services, vol. 22, p. 455.

In general, vol. 22, p. 455.

Not fellow servants, vol. 22, p. 455.

Employees of Different Trains.

Brakeman and engineer are, vol. 20, p. 489.

Brakeman of freight train acting as switchman and engineer of passenger train are, vol. 20, p. 489.

Conductor and brakeman are, vol. 20, p. 489.

Conductor and brakeman held not to be, vol. 20, p. 490.

Conductor and fireman are not, vol. 20, p. 491.

Conductor of construction train and fireman of passenger train are, vol. 20, p. 489.

Conductor of wild train and laborer on gravel train are not, vol. 20, p. 491.

Engineer and conductor are not, vol. 20, p. 491.

Engineer and fireman are, vol. 20, p. 490.

Engineer and those in charge of another train are not, vol. 20, p. 491.

Engineers are, vol. 20, p. 490.

Expressman and baggage-man of passenger train and employees of freight train are not, vol. 20, p. 491.

Held not to be fellow servants, vol. 20, p. 490.

Wreckers and trainmen of another train are, vol. 20, p. 490.

Employer's liability act, vol. 9, pp. 481, 816.

Engineer and brakeman, vol. 4, p. 668.

Engineer and brakeman on another train, vol. 9, p. 433.

Engineer and foreman, vol. 9, p. 829.

Engineer and switchman are, vol. 14, p. 574.

Engineer and switchman are not, vol. 14, p. 574.

Express messenger and engineer, vol. 5, p. 39.

FELLOW SERVANTS—Cont'd.

Florida statute, vol. 12, p. 735.
Foreman and conductor, vol. 4, p. 487.

Foreman and engineer, vol. 4, p. 487.

Having charge of dangerous instrumentalities does not prevent employee from being fellow servant of other employees, vol. 20, p. 296.

In general, vol. 9, pp. 9, 11.

Injury to servant through negligence of fellow servant in selection of appliances, vol. 11, p. 15.

Kansas Statute.

Contracts in contravention of, vol. 12, p. 703.

Interpretation, vol. 12, p. 703.

Receivership does not affect, vol. 12, p. 705.

Scope, vol. 12, p. 703.

To what servants applicable, vol. 12, p. 703.

Kentucky doctrine as to liability of master for negligence of fellow servant, vol. 19, p. 290.

Liability of master for incompetency of fellow servants, vol. 10, p. 617.

Machinists, vol. 6, p. 614.

Mechanics, vol. 6, p. 614.

Negligence of fellow servant in keeping roadway of railroad in proper condition is, as to employee injured thereby, chargeable to master, vol. 12, p. 719.

Particular cases, vol. 9, pp. 9, 11.

Roadmasters as, vol. 17, p. 420.

Section boss and hands, vol. 6, p. 600.

Section foreman not fellow servant of trainmen, vol. 12, p. 684.

Servants in common service under common master, vol. 12, p. 652.

Switchmen and trainmen are, vol. 16, p. 439.

Telegraph operator as fellow servant of trainmen, vol. 18, p. 543.

Telegraph operator not fellow servant of trainmen, vol. 18, p. 544.

To what servants rule is applicable, vol. 9, p. 9.

Trackmen and train hands are, vol. 14, p. 586.

FELLOW SERVANTS—Cont'd.

Train dispatcher as a fellow servant, vol. 11, p. 404.

Train dispatcher is a vice principal, vol. 14, p. 609.

Trainmen and conductor on same train are, vol. 14, p. 638.

Trainmen and Other Employees Riding on Train.

Blacksmith riding to work and engineer are, vol. 20, p. 214.

Carpenter riding to work and engineer are, vol. 20, p. 214.

Conductor and surveyor are, vol. 20, p. 214.

Construction hand riding to work and engineer are, vol. 20, p. 214.

Foreman of construction hands and engineer are not, vol. 20, p. 215.

General rule, vol. 20, p. 213.

Laborer on construction train and engineer are, vol. 20, p. 214.

Laborer on gravel train and engineer are, vol. 20, p. 214.

Mechanic riding to and from work and trainmen are not, vol. 20, p. 215.

Not fellow servants in jurisdictions where different department limitation is controlling, vol. 20, p. 215.

Road master, conductor and engineer are, vol. 20, p. 214.

Section foreman riding to work and conductor of repair train are not, vol. 20, p. 215.

Section hand riding to work and conductor and engineer are, vol. 20, p. 215.

Servant riding to work and train guard are, vol. 20, p. 214.

Trainmen and laborer on gravel train riding to work are, vol. 20, p. 215.

Trainmen and roundhouse employees are, vol. 14, p. 624.

Vice principal, vol. 9, p. 211.

Watchman and gripman, vol. 14, p. 574.

FENCE LAW.

Constitutionality, vol. 9, p. 274.

FENCES.

See Children.

Gates.

Judicial Notice.

Pleading.

Stock, Injuries to.

Burden of proof as to company's knowledge of defect, vol. 19, p. 150.

Cities and towns, vol. 5, p. 186.

Duty of landowner to notify company of deficiency in fence, vol. 15, p. 568.

Duty to fence at switches and sidings, vol. 11, p. 267.

Evidence.

Notice of defect in fence implied from lapse of time, vol. 19, p. 150.

Notice of defect in original construction of fence need not be proved, vol. 19, p. 150.

Frightening teams, vol. 5, p. 284.

Lack of reasonable time to repair fence must be pleaded, vol. 19, p. 153.

Liability for injuries to animals unlawfully at large, where failure to fence track, vol. 19, p. 726.

Liability for injuries to stock passing through culvert, under statute requiring track to be fenced, vol. 20, p. 237.

Liability for injury to animals fixed by place of entry, vol. 8, p. 684.

Liability for injury to employee as affected by violation of statute requiring track to be fenced, vol. 19, p. 147.

Liability for killing stock where owner failed to comply with fence law, vol. 19, p. 728.

No duty to fence track within city limits, vol. 11, p. 651.

Notice of defect, vol. 19, p. 149.

Notice of defect implied from lapse of time, vol. 19, p. 150.

Notice of defect in original construction need not be proved, vol. 19, p. 150.

Notice of defects required from landowner, vol. 19, p. 150.

Repairs must be made in reasonable time, vol. 19, p. 151.

FIRES.

See Eminent Domain.

Appliances, Duty of Company as to.

FIRES—Continued.

General rule, vol. 15, p. 509.

Most approved appliances, vol. 15, p. 511.

Need not buy all patents, vol. 15, p. 512.

Preventing escape of fire absolutely, vol. 15, p. 510.

Combustibles on Right of Way.

Vol. 15, p. 509.

Dry grass, vol. 15, p. 509.

Company's liability as warehouseman, vol. 15, p. 498.

Company not liable when free from negligence, vol. 15, p. 497.

Contributory Negligence.

Combustibles near right of way, vol. 10, pp. 705, 878; vol. 15, p. 513.

Effect of, in case of fire, where statute makes railroad insurer, vol. 15, p. 498.

Failure to attempt to extinguish fire, vol. 15, p. 514.

Plaintiff's duty to guard against fires, generally, vol. 15, p. 513.

Stacking grain and hay near track a question for jury, vol. 15, p. 513.

Whether land owner is guilty of contributory negligence in allowing combustibles to accumulate near right of way, vol. 11, p. 272.

Degree of care required of company, generally, vol. 15, p. 508.

Duty as to Fuel Used.

Fuel in common use, vol. 15, p. 513.

Wood used as fuel, vol. 15, p. 513.

Evidence.

Vol. 6, pp. 193, 206; vol. 9, p. 135, 493.

Admissibility of evidence of value of trees destroyed, vol. 8, p. 665.

Fact constituting negligence must be proved, vol. 12, p. 845.

Origin of fire, vol. 15, p. 518.

Other fires, vol. 12, p. 848; vol. 15, p. 518.

That claim for other goods burned at same time was paid, vol. 12, p. 848.

Value of trees destroyed by fire, vol. 15, p. 519.

FIRES—Continued.**Insurance.**

Inability to procure, as affecting company's liability, vol. 15, p. 557.

Intervening Cause.

Burning oil in stream, vol. 15, p. 508.

Fire breaking out afresh, vol. 15, p. 508.

Wind an intervening cause, vol. 15, p. 507.

Wind not an intervening cause, vol. 15, p. 506.

Personal Injuries.

Company's liability, vol. 15, p. 498.

Injury caused by attempt to extinguish fire, vol. 15, p. 499.

Plaintiff's duty to guard against fires, vol. 10, p. 690.

Presumption of Negligence.

Constitutionality of statutes making occurrence of fire presumptive evidence of negligence, vol. 15, p. 517.

Presumption arises, vol. 15, p. 515.

Presumption does not arise, vol. 15, p. 517.

Proximate Cause.

Question for jury, vol. 15, p. 501.

Question of law, vol. 15, p. 504.

Test, vol. 15, p. 500.

Where fire spreads to other property, vol. 15, p. 499.

Where injury is received while attempting to extinguish fire, vol. 15, p. 499.

Statutes affecting company's liability construed, vol. 15, p. 499.

Statute Making Railroad Insurer.

Constitutionality, vol. 15, p. 498.

Effect of contributory negligence under, vol. 15, p. 498.

Subrogation of insurer, vol. 14, p. 144; vol. 15, p. 519.

FLAGMAN.

See Crossings.

Floods, vol. 5, p. 79.

Forcible entry to condemn land wrongfully taken by a railroad, vol. 6, p. 500.

Frightening horses, vol. 5, p. 294.

FORECLOSURE.

See Mortgages.

FORECLOSURE SALE.

Exemption of railroad from taxation as affected by, vol. 14, p. 199.

Right of purchaser of railroad to earnings before completion of sale, vol. 14, p. 817.

FOREIGN CORPORATIONS.

See Eminent Domain.

Removal of Cause.

Taxation.

Service of process on agent of, vol. 15, p. 425.

FOREIGN STATUTES.

See Statutes.

FORFEITURE.

See Franchises.

FRANCHISES.

See Alienation of Franchises.
Ultra Vires.

Acquisition of railroad franchises by purchaser at foreclosure sale, vol. 20, p. 349.

Acquisition of railroad franchises by purchaser at foreclosure sale where purchaser is an individual, vol. 20, p. 349.

Corporate franchises are subject to legislation affecting remedies, vol. 11, p. 342.

Execution, vol. 10, p. 774.

Forfeiture.

Abandonment of road, vol. 17, p. 624.

Absence from state, vol. 17, p. 623.

Cannot be taken advantage of collaterally, vol. 17, p. 628.

Failure to construct road, vol. 17, p. 623.

Failure to operate road, vol. 17, p. 624.

Failure to pay stock subscription not ground for, vol. 17, p. 625.

Forfeiture must be judicially ascertained where nonuser or misuser is the ground, vol. 17, p. 625.

Nonresidence of officers and directors, vol. 17, p. 623.

Nonuser or misuser, vol. 17, p. 622.

Nonuser or misuser must be positive and wilful act, vol. 17, p. 624.

FRANCHISES—Continued.

- Parties, vol. 17, p. 627.
- Power of court to appoint receiver in adjudging, vol. 17, p. 628.
- Statutory declaration of, vol. 17, p. 626.
- Suing in federal court not ground for, vol. 17, p. 625.
- Transfer and sale of property, vol. 17, p. 624.
- Waiver by statute, vol. 17, p. 629.
- Reserved right to revoke, alter or amend charter or franchise, vol. 1, p. 121.
- Sale under execution, vol. 20, p. 349.
- Who may avoid a public grant and how, vol. 11, p. 119.

FRAUDS, STATUTE OF.

- Agreement by railroad to stop at particular places, vol. 6, p. 715.
- Verbal agreement as to the location of stations, vol. 6, p. 715.
- Verbal contract by railroad to maintain switch for benefit of shippers, vol. 6, p. 714.

FREE PASSES.

*See Carriers of Passengers.
Tickets and Fares.*

FREIGHT TRAINS.

See Carriers of Passengers.

- Assumption of increased risks by passenger, vol. 10, p. 263.
- Liability of carrier as to persons riding on, vol. 9, p. 668.
- Liability of company as carriers of passengers, vol. 2, pp. 17, 22; vol. 10, p. 263.

FRIGHT.

- Injuries resulting from fright, vol. 8, p. 218.
- Liability for injuries received by passenger through fright, vol. 7, p. 584.

FRIGHTENING HORSES.

*See Crossings.
Judicial Notice.*

- Vol. 1, p. 68; vol. 5, p. 282; vol. 6, p. 501; vol. 7, p. 733; vol. 9, pp. 30, 724.
- Absence of guards, vol. 5, p. 291.
- Attempt to cross on invitation of flagman, vol. 5, p. 295.

FRIGHTENING HORSES—Continued.

- Automatic valves, vol. 5, p. 290.
- Blowing whistle, vol. 9, p. 724.
- Bridges, vol. 5, p. 289.
- Cars on or near highways, vol. 5, p. 291.
- Continuance of noise after horse has taken fright, vol. 5, p. 286.

Contributory Negligence.

- Attempt to escape from danger, vol. 5, p. 299.
- Hand car, vol. 5, p. 299.
- Horse left unhitched, vol. 5, p. 300.
- Infant, vol. 5, p. 299.
- Stop, look and listen, vol. 5, p. 299.
- Team easily frightened, vol. 5, p. 300.
- Vicious horse, vol. 5, p. 300.
- Damages, vol. 5, p. 304.
- Derrick, vol. 5, p. 295.
- Duty to erect fences or barrier to screen the highway, vol. 5, p. 284.
- Duty to give warning of approach, vol. 5, p. 287.
- Duty to give warning where person whose horse was frightened had no intention to cross, vol. 5, p. 298.
- Electric cars, vol. 9, p. 725.
- Escape of steam, vol. 5, pp. 284, 289; vol. 9, p. 724.
- Escape of steam from car standing on track, vol. 5, p. 297.
- Escape of steam where highway is obstructed, vol. 5, p. 293.
- Evidence, vol. 5, p. 303.
- Flagman, vol. 5, p. 295.
- Generally, vol. 22, p. 440.
- Hand car obstructing highway, vol. 5, p. 293.
- Horse frightened after crossing track, vol. 5, p. 283.
- Intervening agency, vol. 5, p. 298.
- Judicial notice, vol. 5, p. 303.
- Liability in general, vol. 5, p. 283.
- Malicious acts of railroad's servants, vol. 5, p. 291.
- Negligence in sounding whistle, question for jury, vol. 5, p. 302; vol. 9, p. 724.
- Noises, vol. 5, p. 285.
- Noises, contrary to ordinance, vol. 5, p. 287.
- Obstruction of highways, vol. 5, p. 291.
- Pleading, vol. 5, p. 303.

FRIGHTENING HORSES—GATES—Continued.*Continued.*

Proximate cause, vol. 5, p. 296.
 Questions of law and fact, vol. 5, p. 302; vol. 9, p. 724.

Ringin^g bell and soundin^g whistle, vol. 5, p. 285; vol. 9, pp. 724, 726.

Signals, vol. 5, pp. 285, 287.

Soundin^g whistle, vol. 5, p. 285; vol. 9, pp. 724, 726.

Speed of train, vol. 5, p. 287.

Statute authorizin^g recovery of animals run over by train, vol. 5, p. 284.

Stop, look, and listen, vol. 5, p. 299.

Vicious horses, vol. 5, p. 300.

Warning at bridge, vol. 5, p. 289.

Warning at crossings, vol. 5, p. 288.

Whether Railroad Company Is Liable for Injury Resulting from Malicious Conduct of Its Employees in Frightening Teams.

Held liable for wantonly soundin^g whistle and injurin^g horse grazin^g near barbed-wire fence, vol. 22, p. 440.

Not liable, vol. 22, p. 441.

FROGS.

*See Carriers of Passengers.
 Master and Servant.*

FUNERAL EXPENSES.

See Damages.

Vol. 5, p. 682; vol. 9, p. 252;
 vol. 10, p. 557.

GARNISHMENT.

See Carriers of Freight.

Goods in depot, vol. 19, p. 206;
 vol. 21, p. 501.

GATES.

See Crossings.

Stock, Injuries to.

Contributory negligence in crossin^g when safety gates are closed, vol. 15, p. 6.

Duty of company to make gates, bars and crossings for landowners, vol. 15, p. 567.

Duty of landowner to give notice of open gates, vol. 15, p. 568.

Gate is part of fence, vol. 15, p. 569.

Liability of company where landowner leaves gate open, vol. 15, p. 568.

Open gates, as invitation to cross, vol. 5, p. 666; vol. 7, p. 742; vol. 9, p. 709.

GRANTS.

Who may avoid a public grant, and how, vol. 1, p. 119.

GRAVEL PITS.

See Railroads.

GROSS NEGLIGENCE.

See Ordinances.

GUARANTY.

See Railroads.

HACKMEN.

*See Carriers of Passengers.
 Stations and Depots.*

Exclusion from station, vol. 8, p. 661; vol. 22, p. 515.

Power to designate location of hack stands, vol. 7, p. 733.

HAND CARS.

Running into hand car, vol. 4, p. 544.

HIGHWAYS.

See Crossings.

Railroads in Streets.

Streets and Highways.

Bridges as part of highways, vol. 1, p. 213.

Dedication of land for highways, vol. 1, pp. 12, 15.

Duty of railway companies as to maintenance of ways leadin^g to its stations and yards, vol. 5, p. 418.

Restoration of highway, vol. 9, p. 272.

Right of abutting owner to enjo in use of street by railroad, vol. 10, p. 221.

Right of public to use railroad track as footpath when it is in the highway, vol. 10, p. 504.

Right of street railway in, vol. 6, pp. 110, 113.

HORSES.

See Frightening Teams.

HOTELS.

See Railroads.

ICE.

See Carriers of Passengers.

ILLEGAL ARREST.

See Arrest.

IMPROVEMENTS.

See Eminent Domain.

Local Assessments.

IMPUTABLE NEGLIGENCE.

See Children.

Negligence.

Prevalence of doctrine, vol. 2, p. 682; vol. 8, p. 437; vol. 10, p. 837.

INDEPENDENT CONTRACTORS.

See Railroads.

Direction by company, vol. 13, p. 468.

Effect of superintendence of work by company, vol. 13, p. 468.

Liability of company for negligence of, generally, vol. 13, pp. 91, 467.

INDICTMENT.

Obstruction of travel, vol. 1, p. 70.

INEVITABLE ACCIDENTS.

Vol. 9, p. 659.

INJUNCTIONS.

See Ejectment.

Eminent Domain.

Railroads.

Injunction not granted to prevent street railway from crossing railroad, vol. 18, p. 441.

Right of abutting owners to enjoin railroads in street, vol. 4, p. 271; vol. 10, pp. 126, 221.

Use of railroad right of way by telegraph company, vol. 13, p. 422.

Wrongful use of street, vol. 1, p. 50.

INSANE PERSONS.

See Carriers of Passengers.

Refusal of carrier to carry insane persons, vol. 6, pp. 266, 271.

INSOLVENCY.

See Preferential Claims.
Receivers.

Expenses of operation and management, vol. 9, p. 590.

INSPECTION.

See Carriers of Freight.

Carriers of Live Stock.

Carriers of Passengers.

Master and Servant.

Foreign cars, vol. 9, p. 788; vol. 11, p. 24.

INSPECTION OF TRACKS.

Vol. 9, p. 610.

INSTRUCTIONS.

Conflicting instructions, vol. 10, p. 559.

Scope of, in action for negligence, vol. 12, p. 21.

INSULTS AND ABUSE.

See Carriers of Passengers.

INSURANCE.

See Carriers of Freight.

Fires.

Life insurance as reducing damages, vol. 3, p. 380.

Subrogation of insurer, vol. 15, p. 557.

INTEREST.

Vol. 9, p. 409.

See Damages.

Matured coupons, vol. 9, p. 327.

When interest not recoverable as part of the damages for killing stock, vol. 10, p. 111.

When interest recoverable as part of the damages for killing stock, vol. 10, p. 111.

INTERSTATE COMMERCE.

Act prohibiting discrimination applicable to contracts made prior to its passage, vol. 22, p. 267.

Action may be maintained for loss of freight through negligence although contract provided for rates in violation of interstate commerce law, vol. 22, p. 268.

Competition as justifying difference in rates, vol. 13, p. 313.

Constitutionality of statutes prohibiting the transportation of diseased live stock, vol. 4, p. 630.

Interpretation of act, vol. 9, p. 640.

License tax on corporation engaged in, vol. 9, p. 36; vol. 14, p. 208.

Power of commissions to fix rates, vol. 9, p. 640.

INTERSTATE COMMERCE— JUDICIAL NOTICE—*Cont'd.**Continued.*

- Rebates, vol. 13, p. 297.
- Recovery of excess of rate charged over agreed rate, where latter is in excess of interstate commerce schedule, vol. 13, p. 277.
- Shipments between points in same state, but passing through another state, vol. 21, p. 148.
- Statutes regulating stoppage of trains, vol. 7, p. 558.
- Stopping Trains at County Seats.**
 - Constitutionality of statute, vol. 14, p. 851.
 - Not a violation of federal constitution, vol. 14, p. 851.
 - Supreme court's modification of general rule, vol. 14, p. 851.
- Sunday laws, interference with interstate commerce, vol. 4, p. 505.
- Whether there may be recovery for a breach of contract providing for rates prohibited by interstate commerce law, vol. 22, p. 267.

INTERVENING CAUSE.*See Fires.***INTOXICATING LIQUORS.**

- Carrier as purchaser's agent, vol. 16, p. 185.

INTOXICATION.

See Carriers of Passengers.
Contributory Negligence.
Drunkenness.

JOINDER.

See Master and Servant.
Parties.

JOINT TORT-FEASORS.

- Street railway collisions, vol. 9, p. 151.

JUDICIAL NOTICE.

- Capacity of car, vol. 16, p. 586.
- Checking baggage, vol. 16, p. 585.
- Comparative assessed values of different railroad lines, vol. 16, p. 587.
- Competing lines, vol. 16, p. 586.
- Construction of road, vol. 16, p. 582.
- Corporate existence, vol. 16, p. 581.
- Crossings, gates and gatekeep-

- ers promote safety, vol. 16, p. 585.
- Cultivation of right of way by abutting owners, vol. 16, p. 586.
- Express business, vol. 16, p. 587.
- Extent of railway system, vol. 16, p. 582.
- Fences, vol. 16, p. 585.
- Foreign statutes, vol. 16, p. 581.
- Incidents of travel, vol. 16, p. 584.
- Inspection of cars, vol. 16, p. 586.
- Killing stock, vol. 16, p. 586.
- Land grant, vol. 16, p. 583.
- Liability of car to frighten horses, vol. 16, p. 586.
- Location of road, vol. 16, p. 582.
- Loss of arm in accident, vol. 16, p. 586.
- Management of railroads, vol. 16, p. 583.
- Matters relating to railways, vol. 16, p. 580.
- Name of railroad, vol. 16, p. 581.
- Negligence, reasonable care, vol. 16, p. 586.
- Powers and duties of officers and employees, vol. 16, p. 584.
- Residence of corporation, vol. 16, p. 582.
- Seal of company, vol. 16, p. 582.
- Speed down grade, vol. 16, p. 585.
- Unblocked frogs and switches, vol. 16, p. 585.

JURISDICTION.*See Receivers.*

- As dependent upon county lines, vol. 5, p. 633.
- Court appointing receiver may retain jurisdiction, after his discharge of claims arising during receivership, vol. 13, p. 666.
- Death caused by injuries inflicted in other states, vol. 6, p. 50; vol. 9, p. 352.
- Federal Jurisdiction.**
 - Incorporation of railroad in another state as affecting, vol. 15, p. 374.
- Whether action against master and servant for servant's negligence may be removed to federal court on ground of existence of separable controversy, vol. 21, p. 87.

LABORERS.

See Liens.

LACHES.

Vendor's laches do not affect his right of stoppage in transitu, vol. 16, p. 253.

LAND.

*See Railroads.
Right of Way.*

LAND GRANTS.

*See Judicial Notice.
Public Lands.*

LANDSLIDES.

See Carriers of Passengers.

LATENT DEFECTS.

*See Carriers of Passengers.
Master and Servant.*

LEASES AND RUNNING POWERS.

*See Competing Lines.
Ultra Vires.*

Competing road, vol. 7, p. 346.
Effect of statute prohibiting leases of right to use track, vol. 4, p. 419.

Lessor's liability for injuries inflicted while its road is operated by lessee, vol. 20, p. 847.

Liability for injuries to passenger in collision caused by company having statutory running powers over defendant's line, vol. 19, p. 522.

Liability of lessor for defects in construction, vol. 7, p. 665.

Liability of lessor for failure to maintain fences, vol. 7, p. 666.

Liability of lessor generally, vol. 7, p. 665.

Liability of master for injury to employee caused by defective track owned by another company, vol. 20, p. 107.

Whether constitutional prohibition against consolidation of competing lines prevents leasing, vol. 11, p. 381; vol. 15, p. 841.

LICENSEES.

*See Accidents on Track.
Trespassers.*

Care due from railroad company to licensees, general rule, vol. 20, p. 399.

Care due to bare licensee, vol. 20, p. 400.

LICENSEES—Continued.

Care required of licensee while walking at night on track, vol. 20, p. 396.

Duty to give signals at points used as crossings by licensees, vol. 20, p. 399.

Duty to give warning where track within city is used as footpath, vol. 20, p. 396.

Duty to licensee on right of way, vol. 20, p. 396.

Duty to persons using crossing leading from private premises to owner's well, vol. 20, p. 399.

Implied license to cross siding on unfenced lot in city, vol. 20, p. 397.

Implied license to cross switch track in railroad yard, vol. 20, p. 397.

Implied license to cross track at point reached by stairs constructed by persons using track, vol. 20, p. 397.

Implied license to public to cross track at its junction with road kept open for company's employees, vol. 20, p. 397.

Implied license to public to use crossing leading only to private premises, vol. 20, p. 398.

Implied license to school children to use footpath, vol. 20, p. 398.

Implied license to use footway over railroad property, vol. 20, p. 394.

Implied license to use railroad bridge as footpath, vol. 20, p. 394.

Invitation to cross switch implied from habit of leaving space between cars, vol. 20, p. 398.

Invitation to public to use private crossing implied from construction of bridge, vol. 20, p. 398.

License not implied from use of track as footpath, vol. 20, p. 395.

License to use implied from construction by railroad of private crossing in city, vol. 20, p. 398.

License to implied use from construction of crossing over private road, vol. 20, p. 398.

No invitation to cross fenced track implied from user for four years, vol. 20, p. 399.

LICENSEES—Continued.

Notice to servant of habitual use of trestle by licensee, when notice to master, vol. 20, p. 396.

Not liable to licensee on track in absence of wilfulness or wantonness, vol. 20, p. 396.

Person having business in freight office injured in freight yard is not a licensee, vol. 20, p. 395.

Where license to cross track is implied, vol. 20, p. 397.

Where license to use roadbed as footpath is implied from use without objection, vol. 20, p. 394.

Where license to use track as footpath is not implied, vol. 20, p. 395.

Whether use of right of way as footpath for over twenty years by the public is evidence of a license, vol. 20, p. 396.

LICENSE TAX.

See Taxation.

LIENS.

Claims for personal injuries, vol. 10, p. 795.

Contractors as laborers, vol. 12, p. 863.

LIFE EXPECTANCY.

Vol. 8, p. 398.

LIFE TABLES.

See Mortality Tables.

LIGHTING STATIONS.

Vol. 6, p. 186.

LIGHTS.

See Stations and Depots.

Constitutionality of statute requiring railroads to light portions of their roads, vol. 9, p. 198.

LIMITATION OF ACTIONS.

See Adverse Possession.

Death by Wrongful Act.

Death by wrongful act, vol. 10, p. 873.

Eminent domain, vol. 1, p. 51.

LIMITATION OF LIABILITY.

See Carriers of Freight.

Carriers of Passengers.

LIVE STOCK.

See Carriers of Live Stock.

LOCAL ASSESSMENTS.

See Taxation.

Contract exempting street railway and requiring it to keep street in repair, validity, vol. 20, p. 274.

Liability of Right of Way and Roadbed to Assessment for Local Improvements.

Company having mere license to run trains over tracks of another company not assessable on account of it, vol. 20, p. 273.

Must be specially benefited, vol. 20, p. 269.

Not assessable for cost of street paving, vol. 20, p. 271.

Not assessable for paving sidewalk, vol. 20, p. 272.

Not for cost of opening adjacent street, vol. 20, p. 272.

Not for cost of opening street across track, vol. 20, p. 272.

Right of way and track not assessable as abutting property, vol. 20, p. 271.

Right of way liable to assessment for construction of turnpike, vol. 20, p. 270.

Right of way liable to assessment for cost of constructing sewer in adjoining street, vol. 20, p. 269.

Right of way liable to assessment for cost of constructing sewer in same street, vol. 20, p. 269.

Right of way liable to assessment for drainage benefits, vol. 20, p. 270.

Right of way liable to assessment for prior street improvements, vol. 20, p. 270.

Right of way liable to assessment for street crossing improvements, vol. 20, p. 270.

Right of way not assessable for widening street, vol. 20, p. 272.

Roadbed liable, vol. 20, p. 269.

Roadbed not liable, vol. 20, p. 271.

Special assessments on railroad property through which right of way extends, held not invalid as an assessment of the right of way, vol. 20, p. 273.

Track liable as abutting property, vol. 20, p. 271.

LOCAL ASSESSMENTS—Continued.

Tracks and right of way not liable to assessment for street improvements, vol. 20, p. 271.

Street Railways.

Assessable for widening street, vol. 20, p. 273.

General rule, vol. 20, p. 273.

Liable to assessment for street paving, vol. 20, p. 273.

Not assessable for cost of new pavements, vol. 20, p. 274.

Not assessable unless benefited, vol. 20, p. 274.

Not considered benefited by street paving, vol. 20, p. 274.

Roadbed not assessable under charter provision as land bordering on street, vol. 20, p. 273.

Tracks assessable as real estate for cost of paving street, vol. 20, p. 273.

Validity of assessment on abutting owner as affected by failure to assess street railway company, vol. 20, p. 274.

LOCAL CARRIERS.

See Hackmen.

Stations and Depots.

LOOKOUTS.

See Crossings.

Railroads.

Stock, Injuries to.

LOOKOUT ON REAR OF CAR.

Vol. 6, p. 318.

Lookout on rear of car backing over crossing, vol. 12, p. 374.

MAIL BAGS.

Persons struck by, vol. 6, p. 486.

MAIL CLERKS.

See Carriers of Passengers.

Contributory negligence, vol. 5, p. 406.

MALICE.

See Frightening Teams.

MALICIOUS ACTS.

See Carriers of Passengers.

MANDAMUS.

See Carriers of Freight.

Carriers of Passengers.

Stations and Depots.

Construction of bridge, vol. 12, p. 860.

Increasing number of trains, vol. 6, p. 260.

Operation of mixed trains, vol. 12, p. 243.

Operation of trains compelled, vol. 6, p. 258; vol. 12, p. 242.

Stopping of trains at stations, vol. 6, p. 258; vol. 12, p. 245.

To compel construction of operation, vol. 6, pp. 667, 669.

Whether mandamus will lie at the instance of a private citizen to compel the operation of a road, vol. 11, p. 75.

MARKET VALUE.

See Eminent Domain.

MASTER AND SERVANT.

See Agents.

Carriers of Passengers.

Discharge Lists.

Employer's Liability Acts.

Fellow Servants.

Fences.

Frightening Teams.

Medical Services.

Negligence.

Res Gestæ.

Trespassers.

Witnesses.

Appliances.

Absence of bunters at end of track, vol. 12, p. 652.

Absence of jaw strap from car, vol. 19, p. 434.

Best appliances, vol. 6, p. 584.

Burden of proving that master had notice of defect in appliance is on injured employee, vol. 12, p. 744.

Care required of master as to inspection of appliances, vol. 19, p. 428.

Defective appliances, servant injured by, must show that master had notice of, or could, by the exercise of reasonable care, have obtained notice thereof, vol. 12, p. 744.

Defective grab iron, question for jury, vol. 19, p. 434.

Defective hand holds, vol. 19, p. 431.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

- Defective ladders, vol. 19, p. 434.
- Duty of master as to inspection, vol. 19, p. 427.
- Duty of master as to safe track and machinery, vol. 16, p. 570.
- Duty of master to inspect for latent defects, vol. 19, p. 428.
- Duty to furnish automatic couplers, vol. 14, p. 717.
- Latent defect in hand holds, question for jury, vol. 19, p. 431.
- Liability for negligence of fellow servant in selection of machinery, vol. 11, p. 15.
- Only reasonable care in inspecting required of either master or servant, vol. 19, p. 428.
- Safe track and machinery, degree of care in furnishing, vol. 12, p. 668.
- Unblocked frogs and guard-rails, vol. 12, p. 604.
- Ashes in freight yard causing injury to servant, vol. 12, p. 640.

Assaults.

- Lawful force by conductor assaulted by passengers, vol. 20, p. 442.
- Liability for abduction of boy by conductor, vol. 20, p. 444.
- Liability for assault at station by police officer in employment of railroad company, vol. 20, p. 443.
- Liability for assault by motorman on driver of obstructing wagon, vol. 20, p. 445.
- Liability for assault on boy by driver of street car, vol. 20, p. 445.
- Liability for assault on fellow servant, vol. 20, p. 444.
- Liability for assault on passenger by conductor resenting insult, vol. 20, p. 442.
- Liability for assault upon person having no connection with the railroad company, vol. 20, p. 445.
- Liability for attack with deadly weapons in seizing railroad of another company, vol. 20, p. 444.

Continued.

- Liability for homicide by station agent, vol. 20, p. 443.
- Liability for killing of customer by station agent, vol. 20, p. 443.
- Liability for assault by station agent on person at depot to receive freight, vol. 20, p. 443.
- Liability of carrier for assault on passenger by servant not in line of duty, vol. 20, p. 442.
- Liability of railroad company for act of conductor in shooting person who had broken into car, vol. 20, p. 443.
- Liability of railroad company for assault by employees not acting within scope of employment, vol. 20, p. 442.
- Liability of railroad company for assault by its physician on his assistant, vol. 20, p. 444.
- Liability of sleeping-car company for assault by porter on passenger, vol. 20, p. 442.

Assumption of Risk.

- Assumption of risk must be pleaded, vol. 12, p. 512.
- Burden of proving servant's knowledge of defect, vol. 11, p. 489.
- Coupling cars, vol. 12, p. 609.
- Defective appliances, vol. 11, p. 412; vol. 14, p. 830.
- Defective hand car, vol. 9, p. 347.
- Defective structures, vol. 11, p. 453.
- Defective track, vol. 11, p. 863.
- Effect where servant continues in employment without objection after he has knowledge of defect, vol. 11, p. 485.
- Effect where servant uses defective appliance under promise of company to repair, vol. 11, p. 487.
- Effect where servant uses defective appliance under protest, vol. 11, p. 487.
- Employee chargeable with notice of defective appliance, vol. 11, p. 412.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

- Employee on repair train, vol. 14, p. 658.
- Excavation, vol. 8, p. 741.
- Falling objects, vol. 12, p. 624.
- From violation of statutory duty by master, vol. 17, p. 513.
- General rule as to defective appliances, vol. 11, p. 484.
- Insufficient number of servants, vol. 16, p. 419.
- Insufficient space between tracks, vol. 16, p. 319.
- Latent defects, vol. 11, p. 485.
- Master not liable for injury to employee acting beyond scope of his employment if he was chargeable with notice of danger to same degree as master, vol. 14, p. 779.
- Of collisions with cattle, vol. 9, p. 648.
- Overhead structure, vol. 12, p. 555.
- Risks assumed by servant coupling cars, vol. 11, p. 866.
- Structures near track, vol. 11, p. 453.
- Whether servant assumes risk of injury from overhead structure, vol. 8, p. 470.
- Whether servant assumes risk of obeying order which places him in obvious danger, vol. 11, p. 429.
- Whether trainmen assume risks arising from defective roadbed, vol. 20, p. 107.
- Authority of servants to eject trespassers, vol. 6, p. 59.
- Ballasting side tracks, master's duty, vol. 16, 839; vol. 17, p. 428.
- Burden is on servant seeking to recover for injuries alleged to have been caused by master's negligence, to prove such negligence, vol. 12, p. 735.
- Burden of proof as to negligence where servant is injured through defective appliance, vol. 11, p. 868.

Cars.

- Duty of master as to inspection of cars, vol. 19, p. 427.
- Inspection of cars, vol. 17, p. 480.

Continued.

- Inspectors at termini only not sufficient, vol. 19, p. 428.
- Concurring negligence of master and fellow servant, vol. 16, p. 570.
- Constitutionality of employer's liability acts, vol. 21, p. 925.
- Contract for Employment of Injured Employee.**
 - Vol. 8, p. 751.
 - Examples, vol. 8, p. 752.
 - Uncertainty, vol. 8, p. 751.
 - Validity, vol. 8, pp. 751, 752.
- Contributory Negligence.**
 - Although step to engine cab is defective, if employee is guilty of contributory negligence in attempting to get upon it while engine is in motion there can be no recovery for his injuries caused by such attempt, vol. 20, p. 305.
 - As bar to recovery under employer's liability acts, vol. 18, p. 696.
 - Attempting to board moving engine by stepping on front footboard in violation of rule as gross contributory negligence, vol. 20, p. 305.
 - Attempting to board moving freight car while acting under orders in emergencies is not, vol. 20, p. 303.
 - Boarding moving car to prevent collision may not be, as matter of law, vol. 20, p. 304.
 - Boarding moving engine with knowledge of defective step in nighttime as contributory negligence, vol. 20, p. 304.
 - Boarding moving switch engine with knowledge of defective hand rail is gross contributory negligence, vol. 20, p. 304.
 - Boarding moving train may be such as to prevent recovery for master's negligence in regard to appliances, vol. 20, p. 304.
 - Boarding train of flat cars in obedience to orders is not negligence per se, vol. 20, p. 303.
 - Brakeman cannot recover for injuries received in attempting to board pilot

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

- of moving engine under orders, although company was negligent in not repairing track, vol. 20, p. 305.
- Carelessly getting on moving engine in front is such as to prevent recovery although footboard was slanting, vol. 20, p. 306.
- Choosing more hazardous way of performing duty, vol. 12, p. 585; vol. 18, p. 555.
- Conductor's violation of law in failing to stop train at intersection, vol. 19, p. 16.
- Disregard of rules by employees, vol. 20, p. 277.
- Due care on part of employee, vol. 14, p. 742.
- Duty of employee working on track to be on lookout for trains, vol. 14, p. 807.
- Employee's knowledge of rules, vol. 21, p. 621.
- Employee riding on top of car in violation of rule, vol. 19, p. 778.
- Employee walking without light, vol. 11, p. 538.
- Engineer's failure to stop train at intersection, question for jury, vol. 19, p. 16.
- Evidence to show custom of servants to disregard rules inadmissible, vol. 17, p. 431.
- Failure to obey rules as affecting right to recover, vol. 12, p. 668.
- Going between cars in motion to couple or uncouple them is contributory negligence, vol. 22, p. 582.
- Going between cars in motion to couple or uncouple them is not per se, vol. 22, p. 582.
- Injury to employee walking without light, vol. 11, p. 538.
- Liability for injuries to employees riding on engines in violation of rule, vol. 19, p. 777.
- Mounting tender of moving engine in obedience to order, at wrong place, is, vol. 20, p. 305.
- Negligence of master causing danger whereby servant acts erroneously through

Continued.

- fright in avoiding such danger, vol. 12, p. 790.
- Negligent master not liable where contributory negligence of injured employee was proximate cause of injury, vol. 11, p. 869.
- Noncompliance with impracticable rules is not, vol. 20, p. 278.
- Obedience by servant of master's order exposing him to unusual dangers, when contributory negligence, vol. 12, p. 672.
- Obedience by servant of order exposing him to unusual danger, whether contributory negligence, vol. 12, p. 672.
- Obedience to orders inconsistent with rules not contributory negligence, vol. 20, p. 278.
- Reliance on fellow servant to give warning of danger is not, vol. 19, p. 6.
- Riding on engine in violation of rule, vol. 19, p. 777.
- Riding on top of car in violation of rule, vol. 19, p. 778.
- Rules, disregard of as contributory negligence, vol. 20, p. 277.
- Rules must be known to employees to be binding, vol. 20, p. 278.
- Rules, noncompliance with impracticable ones not contributory negligence, vol. 20, p. 278.
- Rules, obedience to orders inconsistent not contributory negligence, vol. 20, p. 278.
- Rules, servant's knowledge of, vol. 17, p. 430.
- Rules, standing on car in violation of as contributory negligence, vol. 20, p. 304.
- Rules, violation of as contributory negligence, vol. 20, p. 299.
- Rules, violation of will not prevent recovery for injury to employee unless proximate cause, vol. 20, p. 279.
- Servant going into danger relying on master's promise of protection, vol. 12, p. 789.

MASTER AND SERVANT—*Continued.*

- Servant injured by jumping to avoid danger, vol. 16, p. 461.
- Stepping upon footboard of slowly moving engine is not, as matter of law, vol. 20, p. 304.
- Voluntary attempt to board moving engine at unsafe place, vol. 20, p. 305.
- Whether going between cars in motion to couple or uncouple in violation of rules is, vol. 22, p. 582.
- Damages, exemplary damages for negligence of servant, vol. 10, p. 534.
- Degree of Care.**
 - Care of prudent persons required of master, vol. 14, p. 769.
 - Care required of master, general rule, vol. 14, p. 767.
 - Care required of master not same as required for passengers, vol. 14, p. 769.
 - Duty of master as to safe place to work, vol. 16, p. 570.
 - Duty of master to warn servant of approaching danger, vol. 19, p. 6.
 - Ordinary care required of master, vol. 14, p. 768.
 - Reasonable care required of master, vol. 14, p. 768.
- Duty of Railroads to Make and Promulgate Rules for the Protection of Its Employees.**
 - General rule, vol. 21, p. 621.
 - Not for protection against ordinary risk, vol. 21, p. 622.
- Duty to ballast yard tracks, vol. 12, p. 632.
- Duty to give warning of overhead structures, vol. 14, p. 381.
- Duty to instruct and warn inexperienced servant, vol. 19, p. 506.
- Effect of violation of ordinance regulating speed when employee is injured, vol. 9, p. 444.
- Employees as passengers, vol. 8, p. 689.
- Employees going to work, as passengers, vol. 9, p. 238.
- Employees on track, vol. 4, p. 542.

MASTER AND SERVANT—*Continued.*

- Employees, who are, vol. 16, p. 550.
- Employer's liability acts, vol. 9, p. 481.
- Evidence of customary care or negligence of employees, vol. 12, p. 828.
- Expert evidence as to proper position of brakeman on train, vol. 17, p. 481.
- Foreign Cars.**
 - Duty of master to inspect foreign cars, vol. 19, p. 430.
 - Liability for negligent inspection of other company, vol. 19, p. 430.
 - Liability of company transferring cars for negligent inspection, vol. 19, p. 430.
- Incompetency of Fellow Servants.**
 - Vol. 4, p. 447; vol. 10, p. 617.
 - General reputation for incompetency enough to charge master with knowledge, vol. 4, p. 449.
 - General rule, vol. 4, p. 447.
 - Knowledge of employee of co-employee's incompetency as notice to master, vol. 14, p. 624.
- Injuries to employees from structures near track, vol. 9, p. 832.
- Injury to servant from speed, in excess of ordinance proximate cause, vol. 11, p. 24.
- Joinder of master and servant in action for tort of servant, vol. 14, p. 828.
- Laborer in excavation injured by falling embankment, vol. 8, p. 741.
- Liability for injury sustained after working hours, vol. 20, p. 117.
- Liability for injury to servant by negligence of another company, vol. 17, p. 480.
- Liability for malicious acts of employees, vol. 22, p. 440.
- Liability for torts of servant committed outside scope of employment, vol. 20, p. 442.
- Liability of company for malicious injuries by servant to passengers, vol. 2, p. 448.

MASTER AND SERVANT—MASTER AND SERVANT—

Continued.

- Liability of master for injury to employee caused by defective track owned by another company, vol. 20, p. 107.
- Liability of master for injury to one employed in an emergency by conductor, vol. 11, p. 447.
- Liability of railroad for malicious act of servant, frightening horses, vol. 5, p. 291.
- Mail crane near track, negligence of master, vol. 14, p. 748.
- Making flying switch not negligence per se, vol. 18, p. 750.
- Master not liable for injury to employee voluntarily performing act beyond scope of employment, vol. 14, p. 779.
- Notice of defects, vol. 5, p. 542; vol. 9, p. 69.
- Notice to servant as notice to master, vol. 11, p. 6.
- Presumption as to scope of employment, vol. 14, p. 88.
- Release.
 - Effect of misrepresentations of company's agents, vol. 19, p. 421.
 - Validity of release of claim for damages for personal injuries given in consideration of employment, vol. 22, p. 294.
- Rules, duty of master to make, vol. 12, p. 823.
- Rules abrogated by custom, vol. 20, p. 278.
- Rules, evidence inadmissible to show custom to disregard, vol. 17, p. 431.
- Rules, light on cars stored upon siding, question of law, as to sufficiency of rules, vol. 21, p. 623.
- Rules, sufficiency of for movement of trains, vol. 21, p. 622.
- Rules, waiver of rules by company, vol. 17, p. 430; vol. 20, p. 277.
- Rules, sufficiency of standard, vol. 21, p. 622.
- Safe place to work, duty of master, vol. 12, p. 537.
- Structures near track, vol. 11, p. 531; vol. 14, p. 748.
- Sufficiency of a question for jury, vol. 21, p. 624.
- Sufficiency of a question of law, vol. 21, p. 624.
- Sufficiency of for making fly-

Continued.

- ing switches and shunting cars, vol. 21, p. 623.
- Sufficiency of for protection of car repairer, a question for the jury, vol. 21, p. 623.
- Sufficiency of rules for regulation of movements of trains in yard a question for jury, vol. 21, p. 623.
- Sufficiency of rules governing the opening of switches, vol. 21, p. 623.
- Sufficiency of rules requiring signals for entrance of train on switch, vol. 21, p. 623.
- Tender of rescission of claim for personal injuries, vol. 5, p. 386.
- Volunteers, liability for injury to, vol. 17, p. 442.
- Volunteers, liability for injury to servant voluntarily acting outside of scope of employment, vol. 17, p. 445.
- Whether action against master and servant may be removed to federal court on ground of existence of separable controversy, vol. 21, p. 87.
- Whether Declarations Made after Transaction Bind Principal.
 - Admissions of delivery clerk as to his failure to deliver goods, vol. 21, p. 597.
 - Admissions of engineer as to his intoxication, vol. 21, p. 596.
 - Admissions of engineer as to reckless running of train held admissible as showing unfitness, vol. 21, p. 597.
 - Declarations of employers while acting within the scope of their authority, vol. 10, p. 373.
 - General rule, vol. 21, p. 596.
 - Statements of engine driver as to cause of accident, vol. 21, p. 596.
 - Statements of engineer as to his conduct made after leaving company's service, vol. 21, p. 597.
 - Statements of fellow servant as to company's knowledge of incompetency, vol. 21, p. 597.
 - Statements of night inspector as to cause of delay in carriage of live stock, vol. 21, p. 597.

MASTER AND SERVANT—MORTGAGES.*Continued.*

Statements of road master with respect to offer to arbitrate claim against company, vol. 21, p. 597.

Statements of section foreman as to dangerous condition of track, vol. 21, p. 597.

Statements of street car driver as to defect in brake, vol. 21, p. 596.

Train behind time and excessive speed, statements of person not fully identified as conductor, vol. 21, p. 596.

MATERIALS.*See Carriers of Passengers.***MEASURE OF DAMAGES.***See Damages.*

Expense of caring for injured animals, vol. 9, p. 872.

MECHANIC'S LIENS.*See Liens.***MEDICAL EXPENSES.***See Damages.***MEDICAL EXPERTS.***See Evidence.***MEDICAL SERVICES.***See Damages.**Master and Servant.*

Authority of officers and servants to bind company by contracts for, vol. 16, p. 378.

Ratification of unauthorized contract for by servant, vol. 16, p. 378.

MENTAL SUFFERING.*See Damages.***MISTAKE.***See Carriers of Passengers.*

Release, vol. 9, p. 307.

MONEY.

Counterfeit money, vol. 5, p. 309.

MORTALITY TABLES.*See Evidence.*

As evidence, vol. 5, p. 361; vol. 7, p. 166; vol. 9, p. 846.

See Receivers.

After-acquired property, vol. 12, p. 870; vol. 15, p. 294; vol. 17, p. 560.

Mortgagee necessary party to action to foreclose, vol. 13, p. 416.

Power of railroads to mortgage corporate property, vol. 10, p. 455; vol. 17, p. 560.

Priority, vol. 15, p. 294.

Priority between railroad mortgage and judgment for tort committed after execution of mortgage, vol. 4, p. 173.

Priority of equities arising subsequently, vol. 12, p. 872.

Priority of mortgage over claim for car rental, vol. 12, p. 866.

Priority of note for supplies secured by collateral, vol. 18, p. 398.

Purchasers at foreclosure sale not liable for debts of old company, vol. 17, p. 650.

MUNICIPAL AID.

Effect of consolidation on subscription, vol. 17, p. 748.

Estoppel to deny recital in bonds, vol. 12, p. 868.

Validity, vol. 9, p. 326.

MUNICIPAL CORPORATIONS.

Vol. 1, p. 349.

*See Railroads in Streets.**Stations and Depots.**Street Railways.*

Additional servitude, street railway as additional servitude to street, vol. 1, p. 103.

Additional servitude, transporting freight over street railways, vol. 1, p. 103.

Authority of municipal corporation to grant exclusive privileges to street railway, vol. 7, p. 698.

Change of grade in city streets, vol. 7, p. 638.

Conditions imposed by municipality upon use of street, vol. 7, p. 72.

Control of streets by municipality, vol. 1, pp. 29, 101.

Exclusive and perpetual grant of use of streets, vol. 1, p. 48.

Municipal power to grant use of streets beyond term of life of grantee, vol. 1, p. 101.

MUNICIPAL CORPORATIONS—Continued.

Power of city to remove tracks of street railway, vol. 7, p. 590.

Power of municipality to regulate use of streets, vol. 7, p. 637.

Powers, vol. 1, p. 100.

Proper corporate authority must act to authorize use of streets, vol. 1, p. 30.

Regulation of street railways, vol. 6, pp. 510, 518; vol. 11, p. 806.

Regulation of use of streets, vol. 9, p. 198.

Rights of ordinary railroads in streets, vol. 1, p. 30.

Stock killed in cities or villages, vol. 5, p. 186.

When railroad in street is a nuisance, vol. 1, p. 34.

NAVIGABLE WATERS.

Vol. 5, p. 647.

See Water and Watercourses.

NEGLIGENCE.

See Carriers of Goods.

Carriers of Live Stock.

Carriers of Passengers.

Children.

Contributory Negligence.

Crossings.

Evidence.

Fellow Servants.

Fires.

Frightening Horses.

Imputable Negligence.

Independent Contractors.

Judicial Notice.

Master and Servant.

Ordinances.

Pleading.

Stock, Injuries to.

Street Railways.

Turntables.

Accidents giving rise to presumption of, vol. 17, p. 240.

Burden of proof, vol. 12, p. 543.

Burden of proof where person is killed by running train, vol. 10, p. 584.

Carriers of Passengers.

Cases where presumption of negligence from injury to passenger does not arise, vol. 16, p. 128.

Derailment merely prima facie proof of negligence, vol. 16, p. 129.

NEGLIGENCE—Continued.

Illustrations of what may give rise to presumption of negligence, vol. 16, p. 126.

Injuries caused by things thrown from car, vol. 6, p. 486.

Limitation of liability, vol. 5, p. 257.

Person injured by removal of trunk, vol. 6, p. 487.

Person struck by mail bag, vol. 6, p. 487.

Presumption of negligence from injury to passenger, derailment as giving rise to, vol. 16, p. 126.

Presumption of negligence where injury caused by stranger, vol. 12, p. 179.

Riding on platform of car is prima facie negligence, vol. 14, p. 335.

Collisions between intersecting railroads, vol. 9, p. 512.

Concurrent negligence, vol. 12, p. 336.

Definition of "reckless" when applied to negligence, vol. 11, p. 665.

Eating houses, vol. 6, p. 488.

Evidence.

Admissibility of company's rules, vol. 11, p. 735.

Admissibility of evidence of compromise with persons having similar claims, vol. 20, p. 575.

Evidence of similar disconnected acts, vol. 14, p. 321.

In action for damage caused by fire, that claim for other goods burned at same time was paid, vol. 12, p. 848.

Of customary care or negligence of employee, vol. 12, p. 828.

Of offers to arbitrate or settle, vol. 20, p. 575.

Payment by company for other property destroyed by fire as admission of negligence, vol. 15, p. 518.

Similar acts of negligence, vol. 14, p. 16.

Sufficiency of evidence of negligence, vol. 11, p. 876.

Failure to obey statutory requirements as affecting company's liability, vol. 13, p. 701.

Intoxication, vol. 9, p. 264.

NEGLIGENCE—Continued.

Master and Servant.

Exemption of railroad company from liability for injury to express messenger, vol. 5, p. 38.

Obstructions near track, vol. 6, p. 588.

Pleading and proof, vol. 12, p. 653.

Pleading negligence, vol. 11, p. 413.

Proximate cause where concurring negligence of master and fellow servant, vol. 12, p. 791.

Proximate cause where servant acts erroneously through fright at danger caused by master's negligence, vol. 12, p. 790.

Sufficiency of evidence, vol. 11, p. 876.

Negligence and Contributory Negligence.

Doctrine enunciated in *Davies v. Mann*, vol. 12, p. 366.

Doctrine enunciated in *Tuff v. Warman*, vol. 12, p. 332.

Doctrine stated by Maryland court, vol. 12, p. 333.

Doctrine stated by Massachusetts court, vol. 12, p. 333.

Doctrine stated by Missouri court, vol. 12, p. 333.

Doctrine with regard to trespassers, vol. 12, p. 334.

Where negligence of other party might have been discovered, application of rule, vol. 12, p. 335.

Proximate Cause.

Person struck by a body thrown by an engine from the track of a railroad company, vol. 5, p. 678.

Question for jury, vol. 13, p. 858.

Question of law and fact, vol. 5, p. 399; vol. 9, p. 180.

Refusal of judgment where instructions are conflicting, vol. 10, p. 559.

Scope of instructions in action for negligence, vol. 12, p. 21.

Stock, Injuries to.

Presumption of negligence arising from mere proof of injury to stock, vol. 5, p. 326.

NEGLIGENCE—Continued.

Rebutting presumption of, in action for injury to stock, vol. 14, p. 31.

Speed, vol. 14, p. 23.

Tennessee statute renders company failing to comply with, absolutely liable, vol. 13, p. 701.

NEW LINE.

See Railroads.

NOISES.

See Frightening Horses.

NONSUIT.

See Contributory Negligence.

NOTICE.

See Ejectment.

Eminent Domain.

Master and Servant.

Stock, Injuries to.

Stoppage in Transitu.

NUISANCES.

See Railroads.

Railroads in streets, vol. 1, p. 34.

NURSING.

See Damages.

OBSTRUCTIONS.

See Carriers of Passengers.

Frightening Horses.

Obstruction near track, vol. 5, pp. 547, 548.

OPINION EVIDENCE.

See Evidence.

ORDERS.

See Master and Servant.

ORDINANCES.

See Children.

Municipal Corporations.

Street Railways.

Contributory negligence will prevent recovery for personal injuries in action based on violation of ordinance limiting speed and requiring signals to be given, vol. 20, p. 224.

Must be reasonable, vol. 1, p. 221.

Regulating speed, vol. 9, p. 444.

Signals contrary to ordinances, frightening horses, vol. 5, p. 287.

ORDINANCES—Continued.

Speed in violation of, whether negligence per se, vol. 19, p. 119.

Speed of train, killing stock in cities or villages, vol. 5, p. 186.

Violation of provisions limiting speed and requiring signals as gross negligence, vol. 20, p. 225.

OVERHEAD STRUCTURES.

See Master and Servant.

PARCELS.

See Baggage.

PAROL EVIDENCE.

See Evidence.

Bills of lading, vol. 2, p. 610; vol. 10, p. 341.

PARTIES.

See Actions.

Joinder of master and servant in action for tort of servant, vol. 14, p. 828.

Mortgagee necessary party to action to foreclose, vol. 13, p. 416.

Parties to action to forfeit charter for ultra vires acts of foreign railroad company controlling stock, vol. 17, p. 627.

PARTNERSHIPS.

See Connecting Carriers.

PASSENGERS.

See Carriers of Passengers.

PENAL STATUTE.

Construction of, vol. 8, p. 638.

PERSONAL INJURIES.

See Damages.

Fires.

Master and Servant.

PERSON ASSISTING PASSENGER.

See Carriers of Passengers.

PHOTOGRAPHS.

See Evidence.

Admissibility in evidence, of photographs of locus in quo, vol. 7, p. 519.

Admissibility of photographs of injured person, in action

PHOTOGRAPHS—Continued.

for personal injuries, vol. 16, p. 507.

Admissibility of X-ray photographs, vol. 16, p. 508.

PHYSICAL EXAMINATION.

Enforcing order for, vol. 14, p. 458.

Refusal of court to order, vol. 14, p. 456.

Surgical examination of plaintiff's person, vol. 14, p. 454.

PHYSICIANS AND SURGEONS.

Doctor's bill as part of damages, vol. 6, p. 751.

PLATFORMS.

See Stations and Depots.

PLEADING.

See Exemplary Damages.

Allegation of corporate existence, vol. 10, p. 884.

Assumption of risk is a defense to be pleaded, vol. 12, p. 512.

Averments of complaint in action of ejectment, vol. 15, p. 410.

Contributory negligence, necessity of negating, vol. 9, p. 100.

Definition of "reckless" when applied to negligence, vol. 11, p. 665.

Fences, lack of reasonable time to repair fence must be pleaded, vol. 19, p. 153.

Frightening teams, vol. 5, p. 303.

Negligence, vol. 11, p. 412; vol. 14, p. 49.

Pleading and proof in action for negligence, vol. 12, p. 653.

Special damages must be expressly pleaded, vol. 15, p. 803.

Whether the declaration need negative contributory negligence, vol. 6, p. 353.

Willful negligence, vol. 14, p. 802.

POSTAL CLERKS.

See Carriers of Passengers.

Contributory Negligence.

Postal clerks, vol. 5, p. 406.

PRE-EMPTION.

See Public Lands.

PREFERENTIAL CLAIMS.

See Receivers.

PRESCRIPTION.

See Adverse Possession.

Title by, vol. 1, p. 14.

PRESUMPTION OF NEGLIGENCE.

See Accidents on Track.
Carriers of Passengers.
Crossings.
Fires.
Negligence.

PRESUMPTIONS.

See Evidence.
Negligence.
Statutes.
Stock, Injuries to.

PRIVATE RAILROADS.

See Eminent Domain.

PROCESS.

See Foreign Corporations.
Service of Process.

PROFITS.

See Eminent Domain.

PROXIMATE CAUSE.

See Master and Servant.
Negligence.
Turntables.

Vol. 1, pp. xix, xxvii; vol. 5, pp. 7, 349.

Concurring negligence, vol. 10, p. 572.

Definition of, vol. 12, p. 168.

Frightening teams, vol. 5, p. 296.

Person struck by a body thrown by an engine from track of railroad company, vol. 5, p. 678.

PUBLIC LANDS.

Adjacent to right of way, vol. 9, p. 879.

Forfeiture of land grants, vol. 1, p. 658; vol. 19, p. 214.

Grants to railroads, nature and scope, vol. 1, p. 597.

Indemnity lands, vol. 1, p. 601.

Pre-emption, use of lands for railroads a public one, vol. 11, p. 879.

Pre-emption, when pre-emptor's right attaches, vol. 11, p. 833.

Pre-emption, when railroad grant attaches, vol. 11, p. 883.

Titles under land grants, how acquired, vol. 1, p. 618.

PUNITIVE DAMAGES.

See Damages.

PURCHASERS.

See Receivers.
Taxation.

QUANTUM MERUIT.

See Ultra Vires.

RAILROAD COMMISSIONERS.

Action against commissioners is not action against state, vol. 15, p. 390.

Action to enjoin commissioners, vol. 8, p. 615.

Authority and jurisdiction of state railroad commissioners, vol. 8, p. 614.

Authority as to crossings, vol. 8, p. 614.

Authority to fix rates, vol. 8, p. 614.

Conclusiveness of decision of commissioners, vol. 8, p. 615.

Constitutionality of statutes, vol. 8, p. 613.

Construction of Iowa statute, vol. 8, p. 615.

Delegation of legislative power, vol. 8, p. 614.

Enforcement of order by court, vol. 8, p. 615.

Interstate traffic, vol. 8, p. 614.

Powers, vol. 12, p. 84.

Suits against commissioners, vol. 8, p. 615.

RAILROAD CROSSINGS.

See Crossings.

RAILROADS.

See Constitutional Law.

Eminent Domain.

Foreign Corporations.

Franchises.

Independent Contractors.

Judicial Notice.

Leases and Running Powers.

Local Assessments.

Negligence.

Railroads in Streets.

Receivers.

Right of Way.

Stations and Depots.

Statutes.

Stock and Stockholders.

Street Railways.

Taxation.

Ultra Vires.

Branch railroad, right to construct, vol. 13, p. 855.

RAILROADS—Continued.

- Citizenship, vol. 15, p. 373.
- Common carriers, vol. 2, p. 566.
- Competing lines, incorporation in another state as affecting federal jurisdiction, vol. 15, p. 374.
- Competing lines, liability for injury to land from spread of embankment beyond right of way, vol. 15, p. 674.
- Competing lines, lines need not be parallel, vol. 15, p. 476.
- Corporate existence, vol. 19, p. 180.
- Failure to obey statutory requirements only creates liability when injury is caused thereby, vol. 13, p. 701.
- Formation of "new line," vol. 17, p. 379.
- Implied powers of corporations as to contracts of suretyship and guaranty, vol. 15, p. 374.
- Liability of corporations for malicious prosecution, vol. 12, p. 58.
- Power to hold stock in other corporations, vol. 14, p. 825.
- Power to run hotel, vol. 17, p. 257.
- Purchaser of railroad liable for claims arising during receivership, vol. 13, p. 666.
- Purposes for Which Land Could Not Be Acquired.**
 - Branch road, in absence of charter provisions, vol. 17, p. 259.
 - Bridges and approaches, vol. 17, p. 261.
 - Collateral enterprises and facilitation of prospective business, vol. 17, p. 259.
 - Dwellings of employees, vol. 17, p. 260.
 - Gravel pits, vol. 17, p. 260.
 - Railroad for carriage of sight-seers, vol. 17, p. 260.
 - Shops for manufacture of rolling stock, vol. 17, p. 260.
 - Storage of boats for patrons, vol. 17, p. 260.
 - Temporary right of way during construction of main line, vol. 17, p. 259.
 - Wharves at terminus, vol. 17, p. 260.
- Purposes for Which Land May Be Acquired.**
 - Additional tracks on whole line, vol. 17, p. 258.

RAILROADS—Continued.

- Channel to change course of steam, vol. 17, p. 259.
- Depots, stations and station grounds, vol. 17, p. 258.
- Dumping ground for waste earth, vol. 17, p. 258.
- Erection of telegraph lines along right of way, vol. 17, p. 258.
- General rule, vol. 17, p. 257.
- Repair shops, vol. 17, p. 258.
- Springs to supply tanks, vol. 17, p. 258.
- Spur track, vol. 17, p. 258.
- Stock yards, vol. 17, p. 258.
- Turnouts and extra tracks, vol. 17, p. 258.
- Viaducts and approaches, vol. 17, p. 258.
- Residence of railroad corporation, vol. 11, p. 693.
- Right to cross track of another company, vol. 6, p. 157.
- Right to Enjoin Construction of Railroads.**
 - Abutter suffering no present injury, vol. 21, p. 770.
 - Bona fide purchaser entitled to order enjoining laying of an additional track, vol. 21, p. 771.
 - Conflicting rights of rival companies, vol. 21, p. 773.
 - Construction of tunnel through city, vol. 21, p. 770.
 - Damages must be special and serious, vol. 21, p. 768.
 - Delay until completion, vol. 21, p. 770.
 - Effect of existing right to forcibly remove, vol. 21, p. 773.
 - Failure to make compensation to abutting owner, vol. 21, p. 772.
 - From laying track across inclosed public square, vol. 21, p. 773.
 - General rule, vol. 21, p. 767.
 - Injunction to restrain construction and operation of street railway on the ground that the track should have been located in center of highway, vol. 21, p. 770.
 - Irreparable damage, vol. 21, p. 772.
 - Mere anticipation of negligence in restoring highway, vol. 21, p. 769.

RAILROADS—Continued.

- Mere inconvenience and annoyance to abutting owner, vol. 21, p. 769.
- Nonabutting owners, vol. 21, p. 770.
- Not as private nuisance at instance of owner of property facing public square, vol. 21, p. 769.
- Not unless necessity is urgent, vol. 21, p. 769.
- Obstruction of access, vol. 21, p. 772.
- On application of city, vol. 21, p. 773.
- Passage of authorizing ordinance without petition, vol. 21, p. 771.
- Power of rival to enjoin ultra vires construction of railroad, vol. 21, p. 770.
- Privilege to construct and operate granted without consideration, vol. 21, p. 773.
- Public use of street destroyed, vol. 21, p. 771.
- Remedy at law, vol. 21, p. 770.
- Right of abutter to enjoin construction and operation of elevated railroad where no physical taking, vol. 21, p. 770.
- Right to enjoin completion of road as a nuisance, vol. 21, p. 769.
- Right to enjoin unauthorized construction as nuisance, vol. 21, p. 771.
- Special injury to abutting property, vol. 21, p. 772.
- Unauthorized use of street, vol. 21, p. 771.
- Violation of condition requiring payment of damages as condition precedent, vol. 21, p. 773.
- When construction is authorized by law, vol. 21, p. 767.
- Test of liability of corporation for malicious prosecution, vol. 12, p. 60.
- Whether "railroad" includes street railway, vol. 11, p. 666.
- Whether the term includes street railroads, vol. 7, p. 552.

RAILROADS IN STREETS.

See Street Railways.

- Abutting owners, rights of, vol. 13, p. 444.

RAILROADS IN STREETS—Continued.

- Abutting owner's right to compensation, vol. 13, p. 444.
- Care due persons on track, vol. 13, p. 800.
- Defective construction, vol. 10, p. 726.
- Mutual rights of companies and citizens, vol. 13, p. 729.
- Wrongful occupation, continuing trespass, vol. 9, p. 451.

RAILROAD TRACKS.

See Taxation.

RAILS.

See Carriers of Passengers.

RATES.

See Carriers of Freight.

- Recovery of overcharges, vol. 10, p. 363.

RATIFICATION.

See Medical Services.

REAL ESTATE.

See Railroads.

Right of Way.

REBATES.

See Carriers of Freight.
Interstate Commerce.

RECEIVERS.

See Insolvency.

Preferential Claims.

- Appointment of, to preserve rents and profits, vol. 17, p. 560.
- Compensation, how determined, vol. 11, p. 703.
- Conditional order to retain jurisdiction of claims arising during receivership, vol. 13, p. 666.
- Diversion of current earnings, vol. 14, p. 819.
- Foreign receivers, comity, vol. 12, p. 873.
- Leave to sue unnecessary under federal statute, vol. 12, p. 812.
- Liability of company for torts and contracts where road is in the hands of receivers, vol. 5, p. 155.
- Liability of company for torts which were committed during receivership, vol. 9, p. 851.
- Liability of railroad company for personal injuries arising during receivership, vol. 11, p. 707.

RECEIVERS—Continued.

- Liability of receiver for rental upon assumption of lease of rolling stock, vol. 10, p. 175.
- Liability of receiver on prior contracts of company, vol. 7, p. 601.
- Power of court to appoint in adjudging forfeiture of corporate franchises, vol. 17, p. 628.
- Priority of claims incurred before receivership, vol. 15, p. 336.
- Purchaser's liability for claim arising during receivership, vol. 13, p. 666.
- Rule of priority of claims according to *Fosdick v. Schall*, vol. 14, p. 819.
- Whether statutes applicable to railroads apply also to receivers of railroads, vol. 5, p. 218.

RECKLESSNESS.

See Pleading.

RELEASE.

- Vol. 5, p. 386.
- See Master and Servant.*
- Effect of misrepresentations of company's agents, vol. 19, p. 421.
- Effect of release of damages, vol. 6, p. 94.
- Extent of injury unknown, vol. 6, p. 95.
- Intended to apply only to injuries to property, vol. 6, p. 96.
- Mental incompetency, vol. 9, p. 527.
- Mistake as to injuries, vol. 9, p. 307.
- Relief association, vol. 9, p. 307.
- Representation that injuries are slight, vol. 6, p. 95.

RELIEF ASSOCIATIONS.

Vol. 9, p. 307.
See Master and Servant.

REMOVAL OF CAUSES.

- Removal of cause against federal corporation to federal court, vol. 14, p. 827.
- Right of foreign corporation to remove to federal court as affected by state legislation creating corporation with same name and membership, vol. 19, p. 175.

REMOVAL OF CAUSES—Continued.

- Whether action against master and servant for servant's negligence may be removed to federal court on ground of separable controversy, vol. 21, p. 87.

REPAIRS.

See Evidence.

REPAIR SHOPS.

See Railroads.

RES GESTÆ.

See Evidence.

- Complaints as part of, vol. 15, p. 588.
- Declarations of injured person, vol. 15, p. 588.
- Declarations of servants admissible as part of, vol. 11, p. 725; vol. 14, p. 57.

RESIDENCE.

See Railroads.

RES JUDICATA.

See Death by Wrongful Act.

- Whether recovery under statute bars a common-law action, vol. 3, p. 314.

RESTITUTION, WRIT OF.

- Eminent domain, vol. 3, p. 34.

RETROSPECTIVE LAWS.

See Interstate Commerce.

REVERSAL.

See Argument of Counsel.

REVERSION.

See Eminent Domain.

RIDING ON PLATFORM.

See Carriers of Passengers.
Contributory Negligence.
Street Railways.

RIGHT OF WAY.

See Adverse Possession.
Dedication.
Eminent Domain.
Local Assessments.
Railroads.
Taxation.
Telegraph Companies.

Abandonment.

- Effect, vol. 15, p. 815.
- What constitutes, vol. 15, p. 813.

RIGHT OF WAY—Continued.

Grant of, vol. 13, p. 853.

Power to condemn right of way for railroad branches, spurs or private railroads to or from private property to be specially benefited, vol. 20, p. 614.

Presumption as to width, vol. 9, p. 419.

Right of company, vol. 10, p. 764.

Right to enjoin use of right of way by telegraph company, vol. 13, p. 422.

Use of railroad right of way by telegraph company, vol. 13, p. 422.

Whether Contracts to Locate Stations or Depots at Designated Places Are Void as against Public Policy.

General rule, vol. 21, p. 835.

Invalid contracts, illustrations, vol. 21, p. 836.

Valid contracts, illustrations, vol. 21, p. 836.

Who may grant, vol. 13, p. 835.

ROADBED.

See Carriers of Passengers.

ROADWAY.

See Taxation.

RULES.

See Contributory Negligence. Master and Servant. Negligence.

Admissibility of rules as evidence of negligence, vol. 11, p. 735.

Duty of master as to, vol. 16, p. 570.

Sufficiency, vol. 10, p. 672.

Sufficiency of, a question of fact, vol. 11, p. 468.

SALES.

Purchase of competing road, vol. 7, p. 346.

SECTION BOSS.

See Fellow Servants.

SECTION HANDS.

See Fellow Servants.

Injuries to section hands, vol. 4, p. 545.

SEPARATE COACHES.

See Carriers of Passengers.

SERVANTS.

Knowledge of master of incompetency of fellow servant, vol. 10, p. 619.

SERVICE OF PROCESS.

Agents of foreign corporations, vol. 15, p. 425.

• Locality, in action against corporation, vol. 11, p. 737.

Upon common agent, vol. 12, p. 865.

SIDE TRACKS.

Duty of master as to ballasting, vol. 16, p. 839.

Right of railroad company to construct side tracks, turn-outs, and branch lines, vol. 3, p. 71.

Verbal contract by railroad to maintain switch for benefit of shipper, vol. 6, p. 714.

SIGNALS.

See Crossings. Frightening Horses. Licensees. Ordinances.

SLEEPING CAR COMPANIES.

See Master and Servant.

Employees of as employees of railway company, vol. 11, p. 184.

Liability as common carriers, vol. 8, p. 78.

Liability for loss of property, vol. 10, p. 78.

Liability of sleeping car companies for assaults by employees, vol. 8, p. 79.

SLEEPING CAR PORTERS.

See Carriers of Passengers.

SPEED.

See Crossings. Evidence. Judicial Notice. Negligence. Ordinances.

Crossings, vol. 10, p. 106.

Evidence as to, vol. 13, p. 799.

Excessive speed does not excuse contributory negligence, vol. 10, p. 717.

Injury to servant from speed in excess of ordinance, vol. 11, p. 24.

Killing of stock in cities and villages, vol. 5, p. 188.

SPEED—Continued.

- Ordinance regulating speed, vol. 6, p. 510.
- Violation of ordinance limiting speed, vol. 2, p. 585; vol. 8, p. 428.

SPUR TRACKS.

*See Eminent Domain.
Railroads.*

STATION AGENTS.

- Authority of agent to contract to furnish cars, vol. 2, p. 585.

STATIONS AND DEPOTS.

*See Carriers of Passengers.
Licensees.
Right of Way.*

- Duty of company to provide safe means of ingress and egress, vol. 6, p. 290.
- Duty of railroad to keep ticket office open for sale of tickets, vol. 2, p. 111.
- Duty of railway companies as to maintenance of ways leading to its stations and yards, vol. 5, p. 418.
- Exclusive privileges to hackmen, vol. 8, p. 661; vol. 19, p. 307.
- Failure of passenger to use safe means of ingress and egress to the cars, vol. 6, p. 290.
- Hack stands, vol. 7, p. 733.
- Injuries while loading or unloading cars, vol. 6, p. 488.
- Insufficient platforms between tracks, vol. 7, p. 729.
- Liability for injuries to persons who are neither passengers nor railway employees, resulting from unsafe stations and depots, vol. 21, p. 309.
- Liability of company for injuries caused by defective platforms, vol. 10, p. 738; vol. 19, p. 498.
- Liability of company where there are two exits, one safe and the other unsafe, vol. 7, p. 729.
- Lights.**
 - Before and after arrival of trains, vol. 19, p. 497.
 - Concurring negligence of two companies, vol. 19, p. 500.
 - Concurring negligence of two companies, liability of passenger's company, vol. 19, p. 500.
 - Failure of passenger to leave by safest way, vol. 19, p. 499.

STATIONS AND DEPOTS—Continued.

- General rule as to company's duty, vol. 19, p. 495.
- Liability for failure to provide, vol. 19, p. 498.
- Passenger leaving depot in unusual direction, vol. 19, p. 499.
- Stepping in hole in unlighted platform not contributory negligence, vol. 19, p. 499.
- To whom duty is owed, vol. 19, p. 496.
- Mandamus to compel erection of depots, vol. 14, p. 472.
- Platforms, liability for failure to provide, vol. 19, p. 498.
- Rights of Hackmen and Other Local Carriers at Stations.**
 - Cannot exclude from street, vol. 22, p. 515.
 - Exclusion from inner platform, vol. 22, p. 515.
 - Exclusion of innkeepers, vol. 22, p. 515.
 - Exclusive privileges could be granted, vol. 22, p. 515.
 - Exclusive privileges could not be granted, vol. 22, p. 515.
 - Hackman with check may enter baggage room, vol. 22, p. 515.
 - Municipal regulations, vol. 22, p. 515.
 - Passengers cannot be compelled to take certain vehicles, vol. 22, p. 515.
 - Right to drive upon wharf for passenger who has contracted for hackman's services, vol. 22, p. 515.
 - Right to exclude persons from station, vol. 8, p. 660.
 - Right to exclude vehicle from station yard, vol. 22, p. 515.
 - Right to solicit business in depot, vol. 22, p. 515.
 - Stoppage at stations, vol. 5, p. 309; vol. 6, p. 192.
 - Verbal agreement as to location of stations, vol. 6, p. 715.
 - Whether carrier may discriminate in favor of its own competing business, vol. 22, p. 515.
 - Whether persons selling lunches can be excluded, vol. 22, p. 517.
 - Whether statutes requiring trains to stop at is an interference with interstate commerce, vol. 7, p. 558.

STATUTES.*See Children.**Constitutional Law.**Crossings.**Death by Wrongful Act.**Eminent Domain.**Employer's Liability Acts.**Fires.**Franchises.**Judicial Notice.**Negligence.**Stock.*

Extraterritorial effect, vol. 12, p. 711.

Presumption as to existence of similar statutes in two states, vol. 20, p. 869.

Tennessee statute to prevent accidents on railroads renders company failing to comply absolutely liable, vol. 13, p. 701.

STEP OF CAR.*See Carriers of Passengers.**Street Railways.***STOCK AND STOCKHOLDERS.***See Taxation.*

Effect of consent to amendment of charter, vol. 15, p. 345.

Failure to pay subscription as ground for forfeiture of franchise of railroad, vol. 17, p. 625.

Railroad companies as stockholders, vol. 14, p. 825.

STOCK, INJURIES TO.*See Crossings.**Fences.**Gates.**Judicial Notice.*

Actual contact necessary where railroad has failed to fence, vol. 14, p. 18; vol. 18, p. 380.

Actual contact not necessary where railroad has failed to fence, vol. 18, p. 382.

Care due to avoid injuring stock on track, vol. 14, p. 30.

Care required to avoid injuring animals seen near track, vol. 19, p. 240.

Company liable where stock injured is at large in violation of statute, vol. 15, p. 563.

Company not liable where stock injured is at large in violation of statute, vol. 15, p. 563.

Contributory Negligence.

Contributory negligence af-

STOCK, INJURIES TO—Cont'd.

fects company's liability for injury to, vol. 15, p. 562.

Contributory negligence does not affect company's liability for injury to, vol. 15, p. 561.

Gate left open by landowner, vol. 6, p. 617.

Damages, when interest recoverable as part of damages for killing stock, vol. 10, p. 111.

Duty of engineer to keep a lookout for stock, vol. 9, p. 276.

Duty to keep lookout for stock on track, vol. 11, p. 331.

Effect of contributory negligence in action for injury to stock caused by failure to fence, vol. 17, p. 750.

Failure to give signals, vol. 5, p. 188.

Liability for injury to animals unlawfully at large where failure to fence track, vol. 19, p. 726.

Liability of company where stock strays on inclosed track, vol. 15, p. 569.

Liability where owner failed to comply with fence law, vol. 19, p. 728.

Notice in action for injuries to, vol. 14, p. 3.

Place of entry fixes liability for injury to, vol. 14, p. 44.

Pleading negligence in action for injury to stock, vol. 14, p. 49.

Presumption as to place of entry, where company has failed to fence, vol. 14, p. 44.

Presumption from failure to produce employees as witnesses, vol. 14, p. 57.

Presumption of negligence arising from mere proof of injury to stock, vol. 5, p. 326; vol. 11, pp. 333, 851; vol. 14, pp. 30, 46.

Rate of speed as negligence, in action for killing stock, vol. 14, p. 23.

Rebutting presumption of negligence, vol. 14, p. 31.

Speed of train in cities and villages, vol. 5, p. 188.

Statutory presumption of negligence where stock is killed on track, burden of proof, vol. 11, p. 849.

Stock killed in cities or villages, vol. 5, p. 186.

- STOCK, INJURIES TO—*Cont'd.***
 Whether statutes applicable to railroads apply also to receivers of railroads, vol. 5, p. 218.
 Whether statutes authorizing recovery for animals run over by train applies to frightening horses, vol. 5, p. 284.
- STOCKMEN.**
See Carriers of Passengers.
- STOCKS.**
See Taxation.
- STOCK YARDS.**
 Power of railroad to acquire land for, vol. 17, p. 258.
- STOP, LOOK, AND LISTEN.**
See Crossings.
 Frightening horses, vol. 5, p. 299.
- STOPPAGE IN TRANSITU.**
See Carriers of Freight.
- Beginning of Transit.**
 Goods in carrier's warehouse, vol. 16, p. 257.
 In hands of carrier, vol. 16, p. 257.
 In hands of middleman, vol. 16, p. 257.
 In hands of packer, vol. 16, p. 258.
- Circumstances Affecting Right.**
 Failure to transfer bill of lading not ground for exercising right, vol. 16, p. 255.
 Indorsement of bill of lading to bona fide purchaser for value, vol. 16, p. 252.
 Payment of freight charges by consignee, vol. 16, p. 250.
 Relanding, vol. 16, p. 251.
 Reshipping, vol. 16, p. 251.
 Transfer of bill of lading as security for antecedent debt, vol. 16, p. 255.
 Transfer of bill of lading by insolvent consignee, vol. 16, p. 253.
- Circumstances Not Affecting Right.**
 Absolute transfer of bill of lading for antecedent debt, vol. 16, p. 255.
 Acceptance of bill or note, vol. 16, p. 250.
 Assignment by vendee, vol. 16, p. 256.
- STOPPAGE IN TRANSITU—*Continued.***
 Attachment by creditor of vendee, vol. 16, p. 256.
 Carrier's lien for freight, vol. 16, p. 257.
 Consignee's refusal to receive, vol. 16, p. 252.
 Effect of transfer of undorsed bill of lading, vol. 16, p. 254.
 Execution or other lien against vendee, vol. 16, p. 256.
 Indorsement of bill as security for present advances, vol. 16, p. 255.
 Part payment by vendee, vol. 16, p. 250.
 Reshipment of goods to consignee which he has once declined to receive and which consignor refused to take back, vol. 16, p. 252.
 Right of action against security in case of default, vol. 16, p. 250.
 Taking samples, marking, etc., merely evidence of vendee's possession, but do not change possession, vol. 16, p. 252.
 Transfer of duplicate of bill of lading by consignee, vol. 16, p. 253.
 Vendee obtaining possession by fraud, vol. 16, p. 252.
 Vendee's laches, vol. 16, p. 250.
 Definition, vol. 16, p. 247.
- Insolvency Essential.**
 Surety's insolvency, vol. 16, p. 248.
 Vendee's insolvency, vol. 16, p. 247.
 Whether insolvency must have arisen after the sale, vol. 16, p. 248.
- Liability of carrier for failure to hold goods, vol. 16, p. 263.**
- Notice to Carrier.**
 Cabled notice, vol. 16, p. 262.
 Description of goods, vol. 16, p. 262.
 Generally, vol. 16, p. 262.
 Notice need not contain express demand for goods, vol. 16, p. 262.
 Notice to consignee not sufficient, vol. 16, p. 263.
 To whom given, generally, vol. 16, p. 262.

STOPPAGE IN TRANSITU— STOPPAGE IN TRANSITU—

Continued.

To whom given when goods are in customs warehouse, vol. 16, p. 263.

Verbal notice, vol. 16, p. 262.

Right extends over goods only, vol. 16, p. 247.

Right of carrier to retain goods until freight is paid, vol. 16, p. 263.

Termination of Transit.

Effect of interception at intermediate point by vendee's agent, vol. 16, p. 260.

Effect of mere demand by vendee at intermediate point, vol. 16, p. 261.

Effect of payment of through freight charges on right to take possession of goods at intermediate point, vol. 16, p. 261.

Exercise of right as to goods in hands of warehouseman at intermediate point, vol. 16, p. 261.

Generally, vol. 16, p. 258.

Goods in hands of local carrier, vol. 16, p. 259.

Insufficient delivery, illustrations, vol. 16, p. 259.

Intercepting at intermediate point, vol. 16, p. 260.

Mere arrival at destination, vol. 16, p. 258.

Must be actual or constructive delivery, vol. 16, p. 258.

Partial delivery, vol. 16, p. 259.

Sufficiency of delivery, a question for jury, vol. 16, p. 260.

Taking forcible possession by vendee at intermediate point, vol. 16, p. 261.

Waiver of right by vendor, vol. 16, p. 264.

Who May Exercise Right.

Agent acting without authority, but his act being ratified, vol. 16, p. 249.

Exercise of right through agent, vol. 1, p. 246.

Factor shipping to principal, vol. 16, p. 248.

Holder of lien, vol. 16, p. 249.

Must be privity of contract between debtor and creditor, vol. 16, p. 248.

One interested in portion of goods, vol. 16, p. 248.

Continued.

Principal, where factor has joint interest, vol. 16, p. 248.

Principal who has shipped to factor, though indebted to latter, vol. 16, p. 248.

Surety, vol. 16, p. 249.

Transferee of bill of lading, vol. 16, p. 249.

Vendor or quasi vendor, vol. 16, p. 248.

STORMS.

See Carriers of Passengers.

Inspection of tracks, vol. 9, p. 610.

STREET RAILWAYS.

See Carriers of Passengers.

Local Assessments.

Railroads.

Railways.

Additional servitude, vol. 10, pp. 222, 230.

Authority of municipal corporation to grant exclusive privileges to street railways, vol. 7, p. 698.

Bridges as part of highways, vol. 1, p. 213.

Carriers of Passengers.

Alighting from car and crossing street without looking, vol. 5, p. 506.

Alighting from moving street car, vol. 9, p. 843.

Boarding or alighting from moving car, vol. 4, p. 254.

Change where tender of fare, vol. 6, p. 689.

Company not insurer of safety of place where passenger alights, vol. 12, p. 125.

Degree of care required of passengers, vol. 9, p. 259.

Person alighting from street car, passing behind it and starting across parallel track without looking to see if another car was approaching was guilty of contributory negligence, vol. 6, p. 651.

Power of municipality to require conductors on street cars, vol. 9, p. 51.

Protrusion of arm from window of street car, vol. 8, p. 364.

Riding on platform or step of street car, vol. 7, p. 305.

STREET RAILWAYS—Cont'd.

- Stopping car at dangerous place, vol. 9, p. 80.
- Tender of fare, vol. 6, p. 689.
- Tender of large sum to conductor to pay fare, vol. 6, p. 689.
- Who are passengers, vol. 9, p. 375.
- Change of grade in city streets, vol. 7, p. 638.
- Children.**
 - Children running in front of moving street car, vol. 10, p. 818.
 - Injury by street car to child playing in street, vol. 6, p. 692.
 - Liability for injuries to, vol. 9, p. 532.
- Collisions.**
 - Vol. 9, p. 151.
 - Collisions between intersecting roads, vol. 9, p. 512.
 - Collisions of cars, vol. 9, p. 115.
 - Collisions with vehicles, vol. 10, p. 834.
 - Crossing steam railroad, vol. 1, p. 189.
 - Duty of employee in charge of moving car towards other travelers, vol. 1, p. 281.
 - Duty of street railway company to avoid collision, vol. 1, p. 279.
 - Joint liability for collision, vol. 9, p. 683.
 - Liability of two companies for collisions, vol. 9, p. 512.
 - Duty of corporation to construct and operate its road, vol. 6, p. 667.
 - Eminent domain, whether a street railway is an additional servitude, proximity of tracks, vol. 10, pp. 222, 230.
 - Error of judgment of driver or motorman, vol. 9, p. 157.
 - Grant of exclusive privileges, vol. 5, p. 26.
 - Legal tender of fare, vol. 5, p. 308.
 - Mandamus to compel a railroad company to relay a portion of its road, vol. 6, p. 668.
 - Mandamus to compel the construction or operation, vol. 6, pp. 667, 669.
 - Municipal authority to impose restrictions and conditions upon company, vol. 1, p. 349.

STREET RAILWAYS—Cont'd.

- Municipal regulations and control of street railways, vol. 6, p. 510; vol. 11, p. 806.
- Occupancy of Another's Tracks.**
 - Authority of the legislature, vol. 4, p. 411.
 - Compensation, vol. 4, p. 414.
 - Joint use of motive power, fixtures, etc., vol. 4, p. 413.
 - Proceedings to appropriate the use of the track of another company, vol. 4, p. 417.
 - Right to cross track of another company, vol. 4, p. 418.
 - Statute prohibiting lease, vol. 4, p. 419.
- Ordinance regulating rate of speed of car, vol. 6, p. 510.
- Overhead crossings, vol. 7, p. 537.
- Paving streets, vol. 5, p. 663.
- Power of city to remove tracks of street railway, vol. 7, p. 590.
- Power of municipality to regulate use of streets, vol. 7, p. 637.
- Power of street railway to take franchise to exist beyond corporate existence, vol. 1, p. 102.
- Proceedings to appropriate use of track of another company, vol. 1, p. 238.
- Right of one company to use tracks of another, vol. 1, p. 236.
- Right of way, vol. 6, p. 519.
- Right of way as between street car and vehicle at street crossing, vol. 12, p. 424.
- Rights in highways, vol. 6, pp. 110, 113.
- Right to cross track of another company, vol. 6, p. 157.
- Rule as to right of passage at crossing, vol. 1, p. 281.
- Superior right of passage in streets, vol. 1, p. 279.
- T-rails, vol. 1, p. 177.
- Turnpikes, right to construct street railways upon, vol. 1, p. 208.
- Whether pedestrian injured by street car has used due care was a question for the jury, vol. 5, p. 458.
- Whether the term railroad includes street railroad, vol. 7, p. 552; vol. 11, p. 666.

STREETS.

- Abutters, rights of, vol. 1, p. 65.
 Abutters' right of reasonable passage, vol. 1, p. 65.
Additional Servitude.
 Extra tracks on original grade, vol. 1, p. 53.
 Measure and elements of damage, vol. 1, p. 52.
 Modern judicial tendency, vol. 1, p. 46.
 Noise, stench, etc., vol. 1, p. 48.
 Ordinary railroads, vol. 1, p. 46.
 Private railroads, vol. 1, p. 47.
 Railroad in street, coal house and appurtenances, vol. 1, p. 52.
 Steam motors, vol. 1, p. 47.
 Street railways, vol. 1, p. 72.
 Street railway as additional servitude to street, vol. 1, p. 103.
 Transporting freight over street railway, vol. 1, p. 103.
 Authority of municipal corporations to grant exclusive privileges to street railway, vol. 7, p. 698.
 Change of grade in city streets, vol. 7, p. 638.
 Conditions imposed by municipality upon use of street, vol. 7, p. 72.
 Control of streets by municipality, vol. 1, p. 29.
 Defective construction of railroad in streets, vol. 10, p. 726.
 Duty of railway companies as to maintenance of roads leading to its stations and yards, vol. 5, p. 418.
 Exclusive and perpetual grant of use of streets, vol. 1, p. 48; vol. 5, p. 26.
 Extension of streets over railroad, vol. 8, p. 710.
 Grant of exclusive privilege, vol. 1, p. 48; vol. 5, p. 26.
 Injunction against the occupation of a street by an ordinary railroad, vol. 4, p. 271.
 Injunction, right of abutting owners to enjoin railroads in streets, vol. 10, p. 126.
 Municipal authority, vol. 1, p. 349.
 Municipal control over, vol. 1, pp. 101, 220.

STREETS—Continued.

- Municipal grants, vol. 1, p. 29.
 Municipal power to grant use of streets beyond corporate life of grantee, vol. 1, p. 101.
 Mutual rights of company and citizens, vol. 10, p. 726.
 Obligation of railroad in street to use reasonable care, vol. 1, p. 68.
 Obligation of street railways to keep track and street in repair, vol. 1, p. 292.
 Obstruction by trolley wires, vol. 1, p. 340.
 Obstruction of travel by railroad, vol. 1, p. 70.
 Ordinary railroads in streets, vol. 1, p. 30.
 Paving streets, vol. 5, p. 663.
 Power of city to remove tracks of street railway, vol. 7, p. 590.
 Power of municipality to regulate use of streets, vol. 7, p. 637.
 Railroads in streets, wrongful occupancy as a continuing trespass, vol. 9, p. 451.
 Ratification by legislature of invalid grants by municipal corporation, vol. 1, p. 131.
 Right of commercial railroads in streets, vol. 1, p. 30.
 Right of company to use railroad track as footpath when it is in the highway, vol. 10, p. 504.
 Right of railroad to use streets, vol. 1, p. 28.
 Rights of abutters, vol. 1, p. 65.
 Title of abutting owners to vacated streets, vol. 10, p. 715.
 When railroad in street is a nuisance, vol. 1, p. 34.

STREETS AND HIGHWAYS.

See Crossings.

- Dedication of land for highway, vol. 11, p. 286.

STRUCTURES NEAR TRACK

See Master and Servant.

- Injuries to employees, vol. 9, p. 832.

SUBROGATION.

See Fires.

SUCCESSORS.

- Liability of purchasing railroad for tort committed prior to transfer of purchased railroad, vol. 4, p. 575.

SUNDAY.

Effect of violation of Sunday laws in cases of negligent injury, vol. 10, p. 526.

Sunday laws interfering with interstate commerce, vol. 4, p. 505.

SURETYSHIP.

See Corporations.

SURFACE WATERS.

See Water and Watercourses.

Obstruction of.

Civil law rule, vol. 14, p. 842.

Common-law rule, vol. 14, p. 840.

Conflicting decisions, vol. 14, p. 843.

Modified doctrine, vol. 14, p. 843.

New Jersey rule, vol. 14, p. 843.

Statutory provisions, vol. 14, p. 844.

SURVIVAL.

Actions for personal injuries, vol. 7, p. 579.

SWITCHES.

See Carriers of Passengers.
Negligence.

Verbal contract by railroad to maintain switch for benefit of shipper, vol. 6, p. 714.

SWITCH YARDS.

See Master and Servant.

TAXATION.

See Consolidation.

Constitutional Law.

Judicial Notice.

Licenses.

Local Assessments.

Stock and Stockholders.

Cars of foreign corporations, vol. 13, p. 874.

Constitutional provisions, vol. 12, p. 876.

Exemptions.

Actual use required, vol. 14, p. 192.

Cause of loss of right to exemption from taxation, vol. 20, p. 21.

Charter exemption from taxation not passing to company formed by consolidation of domestic and foreign company, vol. 20, p. 22.

TAXATION—Continued.

Charter exemption not passing to company formed by consolidation of domestic and foreign company, vol. 20, p. 22.

Decree for foreclosure sale may pass, vol. 14, p. 200.

Effect of consolidation, vol. 20, p. 20.

Effect of reserved power of amendment on charter exempting clauses, vol. 19, p. 276.

Exemption from taxation not extending to property of other constituent company in case of consolidation, vol. 20, p. 24.

Extent of, vol. 14, p. 191.

Extent of statutory exemptions of railroad property from taxation, vol. 23, p. 282.

Not lost by consolidation where all rights and privileges granted to successor, vol. 20, p. 23.

Purchaser at foreclosure sale cannot claim, vol. 14, p. 199.

Right does not extend to absorbed road of another company, vol. 20, p. 22.

Right governed by statute allowing consolidation, vol. 20, p. 21.

Right lost by consolidation, vol. 20, p. 21.

Right not lost by consolidation, vol. 20, p. 23.

Right not lost by consolidation where all rights and privileges granted to successor, vol. 20, p. 23.

Right not lost by consolidation where statute creates community of interest, vol. 20, p. 23.

Right of purchaser at foreclosure sale, general rule, vol. 20, p. 24.

Right passing into stock of consolidated company where shares of constituent companies were exempt, vol. 20, p. 24.

Right passing to purchaser of road under statute providing that "all rights" shall pass, vol. 20, p. 24.

Rights of purchaser at foreclosure sale to exemption of predecessor, when implied

TAXATION—Continued.

from statute conferring latter's rights and powers upon successor, vol. 20, p. 25.

Rights of purchaser at foreclosure sale to exemption of predecessor, when not implied from statute conferring latter's rights and powers upon successors, vol. 20, p. 25.

Rights of purchaser at foreclosure to exemption of predecessor, when conferred by decree vesting rights of latter in successor, vol. 20, p. 25.

Rights of purchaser of railroad at foreclosure sale, general rule, vol. 20, p. 24.

Right vesting in company formed by consolidation of corporations of different states, vol. 20, p. 23.

Status of corporation formed by consolidation as to constitutional provisions respecting taxation, vol. 20, p. 21.

When implied, vol. 14, p. 199.

When not implied, vol. 14, p. 199.

Grants of public lands, vol. 10, p. 212.

Gross receipts, whether interference with interstate commerce, vol. 20, p. 768.

License tax imposed on corporation engaged in interstate commerce, vol. 14, p. 208.

Of cars of foreign corporations, vol. 13, p. 874.

"Roadway," right of way, "railroad track," vol. 11, p. 821.

Shops, vol. 10, p. 190.

Uniformity and equality, vol. 12, p. 875.

Valuation of capital stock, indebtedness considered, vol. 14, p. 173.

TAX LIST.

See Evidence.

TELEGRAPHS AND TELEPHONES.

*See Eminent Domain.
Right of Way.*

Electrical interference of electric railways, vol. 1, p. 326.

TICKETS AND FARES.

See Carriers of Passengers.

Street Railways.

Ticket Scalpers.

Agent's mistake in refusing to sell ticket, vol. 5, p. 223.

Assent of passenger to limitation of liability for baggage, vol. 5, pp. 66, 67.

Assent to printed conditions on passenger tickets, vol. 21, p. 148.

Burden of proof, as to assent where passengers had knowledge of condition, rule in federal courts, vol. 21, p. 152.

Change, vol. 6, p. 689.

Conditions as to Stamping and Identification.

Absence of agent, vol. 17, p. 658.

Effect as to purchaser, vol. 17, p. 655.

Effect of failure to comply, vol. 17, p. 658.

Reasonableness, vol. 17, p. 654.

Refusal of agent to stamp, vol. 17, p. 659.

Validity, vol. 17, p. 655.

Waiver of condition, vol. 17, p. 657.

Conditions on tickets, vol. 2, p. 112.

Constitutionality of anti-ticket scalper laws, vol. 20, p. 478.

Construction of stipulation that ticket is good for this trip only, vol. 20, p. 439.

Contract of carriage, vol. 2, p. 110.

Discrimination in issuing free passes, vol. 11, p. 246.

Drover's passes, vol. 5, p. 262.

Duty of railroads to keep ticket office open for sale of tickets, vol. 2, p. 111.

Effect of delay on intermediate line on limited ticket for passage over connecting line, vol. 20, p. 439.

Effect of delay which would have prevented the taking of an earlier train on line of ticket, vol. 20, p. 439.

Effect of foreign statute making ticket good for a certain number of years, vol. 20, p. 439.

Effect of time limit where ticket expires on Sunday, when no trains are running, vol. 20, p. 439.

TICKETS AND FARES—Continued.**Ejection of Passenger.**

- Expulsion of passenger where ticket is lost, vol. 3, p. 287.
- Mistake of ticket agents and conductors, vol. 10, p. 272.
- Ticket defective on its face, vol. 4, p. 518.
- View that conductor may expel passenger, vol. 4, p. 515.
- View that conductor may not expel passenger, vol. 4, p. 517.
- Where ticket is defective, vol. 4, p. 515; vol. 10, p. 49.
- Fraudulent evasion of payment of fare, vol. 2, p. 16.
- Free pass, validity of exemption from liability, vol. 12, p. 68.
- Invalid ticket or token, negligence of carrier's agent, vol. 10, p. 273.
- Journey must be completed before expiration of ticket, vol. 20, p. 438.
- Legal tender, vol. 5, p. 308.
- Liability of carrier selling tickets for injury to passenger while being carried by another company, vol. 20, p. 428.
- Liability of connecting carrier where sale of through ticket, vol. 5, p. 229.
- Limited Tickets.**
 - Ticket as evidence of passenger's rights, vol. 11, p. 216.
 - Ticket as notice to passenger, vol. 11, p. 252.
 - Ticket held binding on passenger, vol. 11, p. 252.
 - Whether tickets are contracts, vol. 11, p. 250.
- Limiting liability for negligence, vol. 5, p. 257.
- Mail agent, vol. 2, p. 17.
- Merely reaching station on day of expiration of ticket not sufficient, vol. 20, p. 438.
- Nontransferable ticket, vol. 5, p. 692.
- Nontransferable ticket, forfeiture, vol. 12, p. 140.
- Only necessary that journey should be commenced within time limit, vol. 20, p. 437.
- Overcharges in freights and fares, vol. 8, p. 639.
- Power of legislature to fix maximum fares, vol. 8, p. 511.

TICKETS AND FARES—Continued.

- Redemption of unused portion of excursion ticket, vol. 14, p. 263.
- Rights of purchaser, vol. 2, p. 110.
- Right to charge extra fare for failure to secure ticket, vol. 20, p. 533.
- Stop-over privileges under agreement with agent, vol. 17, p. 157; vol. 20, p. 440.
- Tender of fare, vol. 6, p. 689.
- Ticket as evidence of passenger's rights, vol. 11, p. 216.
- Ticket good if presented before midnight of last day, vol. 20, p. 438.
- Ticket scalpers, vol. 14, p. 508.
- Validity of act compelling issuance of thousand mile tickets, vol. 8, p. 511.
- Validity of printed conditions, vol. 20, p. 428.
- Validity of stipulation fixing time for expiration, vol. 20, p. 436.
- Validity of stipulation fixing time for expiration of ticket for carriage over connecting lines, vol. 20, p. 438.
- Validity of stipulation providing for continuous trip, vol. 20, p. 438.
- Waiver of condition as to expiration of time, vol. 20, p. 440.
- Whether Passenger's Assent to Limitation of Carrier's Liability for Baggage Is Conclusively Presumed from His Acceptance of Ticket, Baggage Check, or Receipt Containing Stipulation.**
 - Assent presumed from use of commutation ticket, vol. 21, p. 154.
 - As to whether passenger assented to limitation on ticket, check or receipt accepted by him held to be a question for the jury, vol. 21, p. 153.
 - Baggage checked, vol. 21, p. 148.
 - Baggage check received in dimly-lighted car and not read, vol. 21, p. 148.
 - Burden of proof as to assent where passenger has knowledge of condition, rule in federal court, vol. 21, p. 152.

TICKETS AND FARES—Continued.

- Burden of proof on carrier to show assent even where passenger had knowledge of condition, vol. 21, p. 152.
- Check for baggage to be sent over connecting lines, vol. 21, p. 149.
- General rule, vol. 21, p. 148.
- Limitation printed in small type on receipt for baggage, receipt distinguished from bill of lading, vol. 21, p. 150.
- Notice of limitation must be received before cars are started, vol. 21, p. 150.
- Notices in fine type, vol. 21, p. 150.
- Passenger bound by his knowledge of limitation, vol. 21, p. 153.
- Passenger bound by printed condition on expressman's check, vol. 21, p. 154.
- Passenger chargeable with notice of conditions in bills referred to on his excursion ticket, vol. 21, p. 148.
- Passenger chargeable with notice of conditions on ticket in form of coupon book, vol. 21, p. 154.
- Passengers on steamship bound to examine tickets, vol. 21, p. 155.
- Printed condition on back of ticket, vol. 21, p. 149.
- Reduced rate of fare, passengers chargeable with notice of printed condition, vol. 21, p. 148.
- Reduced rate of fare rendering printed conditions valid, vol. 21, p. 148.
- Sleeping car company tickets, vol. 21, p. 150.
- Statement of general rule, vol. 21, p. 148.
- Unread receipt for baggage check, vol. 21, p. 148.
- Unsigned ticket, vol. 21, p. 149.
- Validity of notice on ticket purchased after delivery of baggage to carrier, vol. 21, p. 150.
- Whether passenger tickets are contracts, vol. 21, p. 148.

TICKET SCALPERS.

*See Constitutional Law.
Tickets and Fares.*

TIES.

See Carriers of Passengers.

TORTS.

*See Carriers of Passengers.
Consolidation.
Master and Servant.
Ultra Vires.*

Assignment of right of action for, vol. 11, p. 848.

Liability of purchasing railroad for tort committed prior to transfer of purchased railroad, vol. 4, p. 575.

Liability of railroads for torts of independent contractors, vol. 13, p. 91.

Liability of railroads for ultra vires torts, vol. 17, p. 876.

Priority between railroad mortgage and judgment for tort committed after execution of mortgage, vol. 4, p. 173.

Whether action of contract or tort should be brought for injury to passenger, vol. 8, p. 375.

TRACK CONNECTIONS.

See Constitutional Law.

TRACKS.

*See Carriers of Passengers.
Master and Servant.
Taxation.*

Care due employees on tracks, vol. 4, p. 542.

Children trespassing upon, vol. 6, p. 318.

Injury to licensee on track, vol. 9, p. 210.

Inspection of, vol. 9, p. 610.

Right to cross track of another company, vol. 6, p. 157.

TRAIN DISPATCHERS.

See Fellow Servants.

TRAINS.

See Mandamus.

TRESPASSERS.

*See Accidents on Track.
Assaults.
Children.
Licensees.*

Authority of servants to eject trespassers, vol. 6, p. 59.

Care due trespassers on track, vol. 5, p. 483.

Children, duty to look out for, vol. 6, p. 318.

TRESPASSERS—Continued.

- Duty of company as to drunken trespassers on track, vol. 7, p. 121.
- Duty of railroad employee to trespasser on track in perilous place, vol. 8, p. 677.
- Duty to trespassers on track, vol. 11, p. 831; vol. 19, p. 120; vol. 20, p. 322.
- Failure to give signals at crossings, vol. 8, p. 671.
- Injunction for wrongful use of street, vol. 1, p. 50.
- Liability for Injuries to Trespassers on Train.**
 - Boys trespassing on moving car, excessive speed not proximate cause of injury, vol. 22, p. 170.
 - Duty and liability of company to trespasser upon its cars, vol. 6, p. 59.
 - Ejection from moving train as tending to show willfulness, vol. 19, p. 754.
 - Ejection from moving train is not negligence per se, vol. 19, p. 754.
 - Gross negligence under Iowa statute giving right of action for injury to persons on train other than passenger, vol. 22, p. 171.
 - Improper manner of ejection, vol. 22, p. 171.
 - Liability for assault upon trespasser after ejection from train, whether continuous transaction, vol. 2, p. 446.
 - Liability for ejection of trespassers from railroad trains, vol. 21, p. 242.
 - Liability for forcible ejection of trespasser from train, vol. 20, p. 445.
 - Liability for injuries to trespasser kicked off moving engine, vol. 20, p. 445.
 - Liability for injury to boy trespasser ordered from moving car, vol. 19, p. 754.
 - Liability for violent ejection of trespasser from moving train after his being repeatedly ordered off, vol. 19, p. 754; vol. 20, p. 445.
 - Ordered off while stealing ride between freight cars, vol. 22, p. 170.
 - Riding on brake under car, vol. 22, p. 170.

TRESPASSERS—Continued.

- Riding on cars by sufferance of engineer, vol. 22, p. 170.
- Riding on freight train by sufferance of trainmen, vol. 22, p. 170.
- Riding with consent of brakeman, vol. 22, p. 170.
- Riding with train master's consent, vol. 22, p. 170.
- Statements of general rule, vol. 22, p. 169.
- Stealing ride on freight train, vol. 22, p. 170.
- Trespasser suffered to remain on freight train, vol. 22, p. 170.
- Negligence and contributory negligence, vol. 12, p. 334.
- Wanton negligence to trespasser on track, vol. 13, p. 824.
- Where there is mere use of the track without objection on part of the company, persons so using are trespassers, vol. 11, p. 831.
- Whether brakemen have implied authority to eject trespassers from train, vol. 21, p. 241.

TRESTLES.

See Carriers of Passengers.

TURNPIKE COMPANIES.

- Street railways, vol. 1, p. 208.
- Their character and uses, vol. 1, p. 208.

TURNABLES.

See Children.

ULTRA VIRES.

- Estoppel to set up ultra vires as defense to executed contract, vol. 17, p. 348.
- Liability for ultra vires torts, vol. 17, p. 676.
- Ultra vires as defense to executed contract, vol. 17, p. 348.

UNION DEPOT COMPANIES.

- Vol. 7, p. 685.

VENDOR AND PURCHASER.

- Liability of purchasing railroad for tort committed prior to transfer of purchased railroad, vol. 4, p. 575.

VICE PRINCIPALS.

See Fellow Servants.

VIEW BY JURY.

See Eminent Domain.

VOLUNTEERS.

See Master and Servant.

WAGES.

See Damages.

WAIVER.

See Ejectment.

Franchises.

Master and Servant.

Stoppage in Transitu.

WAREHOUSEMEN.

See Carriers of Freight.

Warehouseman's liability for damages from fire, vol. 13, p. 258.

WATCHMEN.

See Crossings.

WATER AND WATER-COURSES.

See Surface Waters.

WILFULNESS.

See Negligence.

Pleading.

WITNESSES.

Employees as witnesses, vol. 12, p. 804; vol. 14, p. 46.

Presumption from failure to call employee, vol. 14, p. 58.

Presumption from failure to produce employee, vol. 14, p. 57.

YARDS.

Duty of railway companies as to maintenance of ways leading to its stations and yards, vol. 5, p. 418.

GENERAL INDEX.

ABANDONMENT.

See Eminent Domain.

Right of Way.

Jones *v.* Van Bochove
(Mich.), vol. 1, p. 664.

Mathews *v.* Lake Shore, etc.,
R. Co. (Mich.), vol. 6, p.
791.

St. Louis, S. W. R. Co. *v.*
Hargrove (Tex.), vol. 1, p.
667.

Abandonment of right of way,
occupied under parol li-
cense, right of company to
reoccupy land afterwards
purchased by third party.

St. Louis S. W. R. Co. *v.*
Hargrove (Tex.), vol. 1, p.
667.

Conveyance by railroad com-
pany of abandoned right of
way to third party.

Chamberlain *v.* Northeast-
ern Railroad Co. (S. Car.),
vol. 1, p. 694.

ABATEMENT.

See Appeal.

Consolidation of Railroads.

ABUTTERS.

See Constitutional Law.

Elevated Railroads.

Eminent Domain.

Injunctions.

*Ordinary Railroads in
Streets.*

Public Lands.

Railroads.

Railroads in Streets.

Street Railways.

Streets and Highways.

Abutter's right to compensation
where tracks are laid in streets.

Lewis *v.* Pennsylvania R. Co.
(N. Y.), vol. 3, p. 413.

Action by abutter for damages
from construction of railroad.

Adler *v.* Metropolitan El. R.
Co. (N. Y.), vol. 1, p. 371.

Bischoff *v.* New York El. R.
Co. (N. Y.), vol. 1, p. 372.

Doyle *v.* Metropolitan El. R.
Co. (N. Y.), vol. 1, p. 372.

Shepard *v.* Manhattan R. Co.
(N. Y.), vol. 1, p. 371.

ABUTTERS—Continued.

Taylor *v.* Bay City St. Rail-
road Co. (Mich.), vol. 1, p.
165.

Agreement of street railway
company, in consideration of
consent of an abutting owner,
that it would not thereafter
lay a second track.

Doane *v.* Chicago City Ry. Co.
(Ill.), vol. 6, p. 792.

A street railway company could
not urge as a defense to an
action to compel operation of
its line that it occupies such
street merely as the abutters'
licensee, where it had been
in undisturbed possession for
over five years.

State *ex rel.* Grinsfelder *v.*
Spokane St. Ry. Co. (Wash.),
vol. 11, p. 62.

Bona fide purchaser entitled to
enjoin laying of additional
track.

Varwig *v.* Cleveland, C., C. &
St. L. R. Co. (Ohio), vol. 4,
p. 265.

Change of grade.

Limburger *v.* San Antonio R.
T. Co. (Tex.), vol. 1, p. 171.

Change of motive power does
not per se create additional
easement.

State (Roebing, Prosecutrix)
v. Trenton Passenger Rail-
way Co., Consolidated (N.
J.), vol. 4, p. 392.

Damages may be recovered for
personal annoyance from rail-
road in street.

Louisville Southern R. Co. *v.*
Hooe (Ky.), vol. 14, p. 808.

Duly authorized construction
and operation of side track in
street will not be enjoined at
instance of private citizen.
Burrus *v.* City of Columbus
(Ga.), vol. 12, p. 869.

Easements of in highway not
affected by order discontinu-
ing highway.

Central Trust Co. of New York
v. Hennen (C. C. A.), vol.
13, p. 409.

ABUTTERS—Continued.**Electric Railroads.**

- Hunter *v.* Manhattan Railway Co. (N. Y.), vol. 1, p. 366.
- Lake Roland Elevated R. Co. *v.* Webster (Md.), vol. 1, p. 360.
- White *v.* Manhattan Railway Co. (N. Y.), vol. 1, p. 351.
- Erection of poles in streets.
- State (Roebing, Prosecutrix) *v.* Trenton Passenger Railway Co., Consolidated (N. J.), vol. 4, p. 392.
- Trolley poles not an additional servitude.
- Snyder *v.* Ft. Madison St. Ry. Co. (Iowa), vol. 11, p. 53.
- Whether conversion of horse railway into electric road is an additional servitude.
- Reid *v.* Norfolk St. City R. Co. (Va.), vol. 6, p. 792.
- Elements of damage for injury from railroad in street.
- Bischoff *v.* New York El. R. Co. (N. Y.), vol. 1, p. 372.
- Bookman *v.* New York El. R. Co. (N. Y.), vol. 1, p. 373.
- Chesapeake & O. R. Co. *v.* Smith (Ky.), vol. 15, p. 641.
- Sixth Avenue R. Co. *v.* Metropolitan El. R. Co. (N. Y.), vol. 1, p. 373.
- Sperb *v.* Metropolitan El. R. Co. (N. Y.), vol. 1, p. 372.
- Sutro *v.* Manhattan R. Co. (N. Y.), vol. 1, p. 373.
- Elements of damages where street railway is built in front of abutter's property.
- Taylor *v.* Bay City St. Ry. Co. (Mich.), vol. 1, p. 165.
- Enjoining laying of additional track.
- Varwig *v.* Cleveland, C., C. & St. L. R. Co. (Ohio), vol. 4, p. 265.
- Enjoining use of street.
- Pennsylvania Co. *v.* City of Chicago (Ill.), vol. 15, p. 618.
- Enjoining use of streets for car tracks.
- Illinois Cent. R. Co. *v.* Thomas (Miss.), vol. 10, p. 846.
- Injury to property from railroad in street.
- Guinn *v.* Ohio River R. Co. (W. Va.), vol. 13, p. 437.

ABUTTERS—Continued.

- Interference with abutting property by railroad located in street.
- Louisville, etc., R. Co. *v.* Hooe (Ky.), vol. 4, p. 264.
- Necessity of consent to regulations as to use of street and construction, maintenance and operation of road.
- State *v.* Commissioners of Streets (N. Y.), vol. 10, p. 323.
- Obstruction of reasonable right of passage.
- Taylor *v.* Bay City Street Railway Co. (Mich.), vol. 1, p. 165.
- Right of action for injuries to property caused by operation of train not confined to abutters.
- Willis *v.* Kentucky & I. Bridge Co. (Ky.), vol. 11, p. 324.
- Right to damages where city owns fee in street.
- Kaufman *v.* Tacoma, O. & G. H. R. Co. (Wash.), vol. 1, p. 169.
- Right to maintain action to compel operation of street railway.
- State ex rel. Grinsfelder *v.* Spokane St. Ry. Co. (Wash.), vol. 11, p. 62.
- Right to prevent unauthorized construction.
- Thomas *v.* Inter-County St. R. Co. (Pa.), vol. 1, p. 169.
- Right to recover for dangerous condition of street under allegations of deterioration of property.
- Limburger *v.* San Antonio R. T. Co. (Tex.), vol. 1, p. 169.
- Right to test legality of municipal consent to construction.
- State *v.* Mayor, etc., of Jersey City (N. J.), vol. 1, p. 169.
- Sufficiency of petition for injunction to compel removal of trolley pole.
- Snyder *v.* Ft. Madison St. Ry. Co. (Iowa), vol. 11, p. 53.
- Title to vacated street.
- Olin *v.* Denver & R. G. R. Co. (Colo.), vol. 10, p. 708.
- Track raised above pavement, evidence of authority for such construction.
- Taylor *v.* Bay City St. Ry. Co. (Mich.), vol. 1, p. 165.
- Validity of purchase of consent of abutting owners to construction of street railway.
- Doane *v.* Chicago City Ry. Co. (Ill.), vol. 6, p. 792.

ACCIDENT.

Definition.

Conner *v.* Citizens' St. R. Co.
(Ind.), vol. 7, p. 287.

ACCIDENTS ON TRACK.*See Children.**Licensees.**Master and Servant.**Street Railways.**Trespassers.*

Absolute liability for failure to observe statutory precautions to prevent accidents on railroads.

Walton *v.* Chattanooga Rapid-Transit Co. (Tenn.), vol. 19, p. 436.

Admissibility of evidence of ownership of locus in quo.

Cederson *v.* Oregon R. & Nav. Co. (Ore.), vol. 22, p. 655.

Admissibility of evidence to show failure to give statutory crossing signals, where child was killed beyond crossing.

Mason *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 83.

Admissibility of evidence to show that engineer was competent, in accident for injury to person on track.

Hasie *v.* Alabama & V. Ry. Co. (Miss.), vol. 20, p. 551.

Care required in managing trains to avoid injuring persons on track.

Tully *v.* Philadelphia, etc., R. Co. (Del.), vol. 23, p. 209.

Collisions between train backing through city and another train, negligence and contributory negligence.

Lampkin *v.* McCormick (La.), vol. 21, p. 714.

Conductor's testimony as to declaration of driver of vehicle in action for injury to latter on street railway track.

Edwards *v.* Foote (Mich.), vol. 23, p. 812.

Contributory Negligence.

Catching foot in switch.

International & G. N. R. Co.
v. Lee (Tex. Civ. App.),
vol. 3, p. 441.

Contributory negligence a defense to negligence in failing to maintain lookout required by statute.

Little Rock & Ft. S. Ry. Co.
v. Smith (Ark.), vol. 13, p. 699.

**ACCIDENTS ON TRACK—
Continued.**

Contributory negligence no defense under statute creating absolute liability for failure to observe precautions to prevent accidents on railroads.

Walton *v.* Chattanooga Rapid-Transit Co. (Tenn.), vol. 19, p. 436.

Deaf persons walking on track.

McIver *v.* Georgia S. & F. Ry. Co. (Ga.), vol. 15, p. 703.

Death on street railway tracks.

Blaney *v.* Electric Traction Co. (Pa.), vol. 10, p. 560.

Driving parallel with electric railway track.

Rouse *v.* Detroit Electric Ry. (Mich.), vol. 22, p. 650.

Effect of failing to avoid injury.

Schneider *v.* Market St. Ry. Co. (Cal.), vol. 23, p. 692.

Fact that person, accustomed to pass through defendant's yard, and who was familiar with its switches, etc., caught his foot in an unblocked frog on dark night, was held not to warrant the holding as a matter of law that he was negligent.

Lee *v.* International, etc., R. Co. (Tex.), vol. 5, p. 376.

Failure to jump from vehicle.

Edwards *v.* Foote (Mich.), vol. 23, p. 812.

Failure to look and listen by person standing near track.

Tanner *v.* Missouri Pac. Ry. Co. (Mo.), vol. 20, p. 809.

Going on track before moving train is contributory negligence as a matter of law.

Ring *v.* Chicago, St. P. & K. C. Ry. Co. (Iowa), vol. 12, p. 452.

In being on track in street as affected by speed in violation of ordinance.

Lea *v.* Durham & N. R. Co. (N. Car.), vol. 23, p. 765.

Injury to person on track.

Evans *v.* Lake Erie & W. R. Co. (Ind.), vol. 10, p. 837.

Instruction as to care to be exercised by pedestrian on railway track in street.

McIlhaney *v.* Southern R. Co. (N. Car.), vol. 11, p. 100.

ACCIDENTS ON TRACK— ACCIDENTS ON TRACK—

Continued.

Killing person on track.

Texas & P. Ry. Co. v. Staggs (Tex.), vol. 8, p. 197.

Killing persons sleeping on track.

Parish v. Western & A. R. Co. (Ga.), vol. 10, p. 574.

Negligence after discovery of decedent's peril, liable notwithstanding his contributory negligence.

St. Louis & S. F. Ry. Co. v. Townsend (Ark.), vol. 22, p. 123.

Obstruction of street railway track.

Consolidated Traction Co. v. Haight (N. J.), vol. 8, p. 90.

Obstruction of track by carriage.

Camden, etc., R. Co. v. Preston (N. J.), vol. 5, p. 616.

Of children.

Trudell v. Grand Trunk Ry. Co. (Mich.), vol. 20, p. 316.

Of licensee on depot grounds, in stepping on track in front of approaching train.

Chattanooga, R. & S. Ry. Co. v. Downs (C. C. A.), vol. 21, p. 493.

Pedestrian failing to look for trains in his rear.

Southern Ry. Co. v. Barfield (Ga.), vol. 19, p. 702.

Persons walking on a railroad track in a street, saw an engine approaching and stepped off that track upon another, not stopping in the space intervening between the two tracks. It was held he was guilty of contributory negligence if he would have been safe in the intervening space.

McIlhane v. Southern R. Co. (N. Car.), vol. 6, p. 693.

Question for jury.

Consolidated Traction Co. v. Isley (N. J.), vol. 5, p. 457.

Taking seat upon track behind a curve after being warned of danger.

Roseberry v. Newport News & M. V. R. Co. (Ky.), vol. 10, p. 844.

Trestle.

Little v. Carolina Cent. R. Co. (N. Car.), vol. 7, p. 769.

Continued.

Violation of statute regulating speed as affecting.

Schug v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 15, p. 705.

Whether contributory negligence for indigent wife to leave afflicted husband unattended.

Jackson v. Kansas City, etc., R. Co. (Mo.), vol. 19, p. 99.

Declaration of motorman as to his failure to apply brakes after discovering plaintiff's peril as *res gestæ*.

Floyd v. Paducah Railway & Light Co. (Ky.), vol. 23, p. 167.

Defective street railway track.

Citizens' St. R. Co. v. Sutton (Ind.), vol. 8, p. 771.

Duty of engineer to keep careful lookout on track.

Gunn v. Ohio River R. Co. (W. Va.), vol. 6, p. 275.

Duty of engineer when he sees person on track.

Florida, etc., R. Co. v. Williams (Fla.), vol. 5, p. 709.

Duty of pedestrian to look out for trolley cars.

McGrath v. North Jersey St. Ry. Co. (N. J.), vol. 22, p. 790.

Duty of railroad to keep lookout on rear of train.

Green v. Chicago & W. M. R. Co. (Mich.), vol. 6, p. 317.

Duty of railroad to trespassers on track.

Jackson v. Kansas City, etc., R. Co. (Mo.), vol. 19, p. 99.

Duty of trainmen in country neighborhoods.

Haley v. Kansas City, M. & B. R. Co. (Ala.), vol. 7, p. 771.

Duty to give warnings within city where track used as a footpath by licensees.

Connell v. Chesapeake & O. Ry. Co. (Ky.), vol. 19, p. 236.

Effect of failure to give signals where trespasser heard train in time to avoid injury.

Glenn v. Norfolk & W. R. Co. (N. Car.), vol. 21, p. 585.

Effect of failure to signal on liability for killing person sitting at end of cross-tie, between crossings.

McArver v. Southern Ry. Co. (N. Car.), vol. 23, p. 772.

ACCIDENTS ON TRACK—

Continued.

- Engineer not chargeable with knowledge as to when train was due at intersection.
Southern Ind. Ry. Co. v. Peyton (Ind.), vol. 23, p. 343.
- Evidence of defect in brake admissible under general allegation of negligence in running train over plaintiff.
Walton v. Chattanooga Rapid-Transit Co. (Tenn.), vol. 19, p. 436.
- Evidence of ownership of locus in quo admissible under allegation of general ownership.
Cederson v. Oregon R. & Nav. Co. (Ore.), vol. 22, p. 655.
- Evidence of speed of cars at other times, in action for injuries to person driving parallel to street railway track.
Rouse v. Detroit Electric Ry. (Mich.), vol. 22, p. 650.
- Evidence of use of track as pathway.
McCall v. Southern Ry. Co. (N. Car.), vol. 23, p. 760.
- Evidence that track was used as footpath.
Hord v. Southern Ry. Co. (N. Car.), vol. 23, p. 756.
- Expert evidence as to distance within which car may be stopped.
Traver v. Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.
- Failure of employee on engine to keep lookout.
Middle Ga., etc., R. Co. v. Reynolds (Ga.), vol. 8, p. 763.
- Failure of servant to keep lookout not negligence, where it was not one of his duties.
Louisville & N. R. Co. v. Creighton (Ky.), vol. 15, p. 713.
- Imputable negligence a question for jury.
Holmark v. Consolidated Traction Co. (N. J.), vol. 9, p. 380.
- Killing of dog on track was not negligence.
Richardson v. Florida Cent. & P. R. Co. (S. Car.), vol. 15, p. 575.
- Killing of licensee, negligence and contributory negligence questions for jury.
Washington v. Missouri, K. & T. Ry. Co. of Texas (Tex.), vol. 11, p. 829.

ACCIDENTS ON TRACK—

Continued.

- Lack of assistants no excuse for engineer's failure to exercise care.
Jeffries v. Seaboard A. L. R. Co. (N. Car.), vol. 23, p. 339.
- Liability for defect in right of way permitted to be used as street.
Neal v. Southern Ry. Co. (N. Car.), vol. 20, p. 941.
- Liability for failure to maintain lookout where it was proximate cause of death of trespassing child sixteen months of age.
Mason v. Southern Ry. Co. (S. Car.), vol. 19, p. 83.
- Negligence after discovery of a person's peril.
Bogan v. Carolina Cent. R. Co. (N. Car.), vol. 23, p. 322.
- Negligence and contributory negligence.
Lea v. Durham & N. R. Co. (N. Car.), vol. 23, p. 765.
- Thompson v. Northern Pac. Ry. Co.* (C. C. A.), vol. 13, p. 651.
- Negligence and contributory negligence, questions for jury in action for injury on street railway track.
Floyd v. Paducah Railway & Light Co. (Ky.), vol. 23, p. 167.
- Negligence as to signals and lookouts as affected by contributory negligence.
Neal v. Carolina Cent. R. Co. (N. Car.), vol. 18, p. 51.
- Negligence in failing to see person on track, sufficiency of evidence.
Whitesides v. Southern Ry. Co. (N. Car.), vol. 21, p. 537.
- Negligence in failing to stop to look after person struck by train.
Whitesides v. Southern Ry. Co. (N. Car.), vol. 21, p. 537.
- Negligence per se in operating train.
Atlanta, K. & N. Ry. Co. v. Bryant (Ga.), vol. 15, p. 817.
- Negligence, question for jury where body was found near track.
Hord v. Southern Ry. Co. (N. Car.), vol. 23, p. 756.
- No duty to look out for trespasser on track.
Egan v. Montana Cent. Ry. Co. (Mont.), vol. 20, p. 72.

ACCIDENTS ON TRACK— ACCIDENTS ON TRACK—

Continued.

Nonsuit in action for wrongful death.

Whitesides *v.* Southern Ry. Co. (N. Car.), vol. 21, p. 537.

Ordinance limiting speed, duty to comply with.

Jackson *v.* Kansas City, etc., R. Co. (Mo.), vol. 19, p. 99.

Plaintiff relieved by defendant's default of burden of proving intestate was lawfully on track.

Sullivan *v.* New York, N. H. & H. R. Co. (Conn.), vol. 20, p. 108.

Pleading negligence.

Walton *v.* Chattanooga Rapid-Transit Co. (Tenn.), vol. 19, p. 436.

Presumption of negligence where trespasser is found dead near track.

Louisville, St. L. & T. Ry. Co. *v.* Terry (Ky.), vol. 13, p. 770.

Presumption that boy seven years and four months old seen on track would avoid train.

Trudell *v.* Grand Trunk Ry. Co. (Mich.), vol. 20, p. 316.

Presumption that deaf pedestrian seen near track will avoid danger.

Piskorowski *v.* Detroit, etc., Ry. Co. (Mich.), vol. 19, p. 120.

Presumption that person seen near track will keep out of danger.

Galveston, etc., Ry. Co. *v.* Kieff (Tex.), vol. 20, p. 238.

Jackson *v.* Kansas City, etc., R. Co. (Mo.), vol. 19, p. 99.

Presumption that person seen on track has ordinary faculties.

Hebert *v.* Louisiana W. R. R. (La.), vol. 20, p. 87.

Teel *v.* Ohio River R. Co. (W. Va.), vol. 21, p. 20.

Presumption that person seen on track will avoid train.

Hebert *v.* Louisiana W. R. R. (La.), vol. 20, p. 87.

McArver *v.* Southern Ry. Co. (N. Car.), vol. 23, p. 772.

Public could acquire no right to use track not in highway for footpath.

Floyd *v.* Paducah Railway & Light Co. (Ky.), vol. 23, p. 167.

Continued.

Question for jury where any evidence of negligence.

Connell *v.* Chesapeake & O. Ry. Co. (Ky.), vol. 19, p. 236.

Question for jury whether deceased was struck by train.

Whitesides *v.* Southern Ry. Co. (N. Car.), vol. 21, p. 537.

Recovery allowed for negligence after discovery of decedent's peril notwithstanding his contributory negligence.

St. Louis & S. F. Ry. Co. *v.* Townsend (Ark.), vol. 22, p. 123.

Refusal to permit plaintiff to testify as to whether he was on the railroad track.

Floyd *v.* Paducah Railway & Light Co. (Ky.), vol. 23, p. 167.

Right of motorman to assume that person will leave track.

Citizens' St. R. Co. *v.* Shepherd (Tenn.), vol. 23, p. 163.

Speed in violation of ordinance as negligence per se.

Jackson *v.* Kansas City, etc., R. Co. (Mo.), vol. 19, p. 99.

Speed prohibited by ordinance must be shown to have been proximate cause of accident.

Jackson *v.* Kansas City, etc., R. Co. (Mo.), vol. 19, p. 99.

Sufficiency of complaint in action for injuring person on track.

Crowley *v.* Cincinnati, etc., Ry. Co. (Tenn.), vol. 23, p. 545.

Sufficiency of evidence as to whether collision was caused by negligence.

Julius *v.* Pittsburg, A. & M. Traction Co. (Pa.), vol. 9, p. 523.

Sufficiency of evidence of negligence in action for killing person near track, where cars were derailed because of improper width of trucks.

Cederson *v.* Oregon R. & Nav. Co. (Ore.), vol. 22, p. 655.

Sufficiency of evidence of negligence in killing person sitting at end of cross-tie.

McArver *v.* Southern Ry. Co. (N. Car.), vol. 23, p. 772.

Sufficiency of evidence of negligence, question for jury.

Edwards *v.* Foote (Mich.), vol. 23, p. 812.

ACCIDENTS ON TRACK—ACTIONS—Continued.*Continued.*

Sufficiency of evidence of speed of street car.

Schneider *v.* Market St. Ry. Co. (Cal.), vol. 23, p. 692.

Sufficiency of evidence to show that defendant's negligence was proximate cause of death of person found near track.

Puckhaber *v.* Southern Pac. Co. (Cal.), vol. 21, p. 581.

Testimony of engineer as to whether injury to child could have been prevented.

Jeffries *v.* Seaboard A. L. R. Co. (N. Car.), vol. 23, p. 339.

ACCOMMODATION TRAINS.

See Carriers of Passengers.

ACTIONS.

See Abutters.

Carriers of Freight.

Carriers of Goods.

Carriers of Passengers.

Crossings.

Death by Wrongful Act.

Limitation of Actions.

Pleading.

Receivers.

Stock.

Torts.

Abatement and revival.

Curry *v.* Kansas, etc., Ry. Co. (Kan.), vol. 8, p. 763.

Action against federal receivers.

Stoltz *v.* Milwaukee & L. W. R. Co. (Wis.), vol. 15, p. 820.

Action by railroad company to require removal of trees near its right of way.

Louisville & N. R. Co. *v.* Johnson (Ky.), vol. 6, p. 729.

Action ex delicto governed by lex loci.

St. Louis, I. M. & S. Ry. Co. *v.* Brown (Ark.), vol. 16, p. 440.

Action ex delicto or ex contractu for injury to passenger.

Louisville & N. R. Co. *v.* Hine (Ala.), vol. 14, p. 382.

Action ex delicto will not lie for breach of executory contract to furnish free transportation voluntarily made.

Louisville & N. R. Co. *v.* Spinks (Ga.), vol. 12, p. 48.

Action for loss of cattle, placed by carrier's authority in its

receiving pen, though defect in such pen is ex delicto.

Missouri, K. & T. Ry. Co. *v.* Byrne (Ind. Ter.), vol. 13, p. 17.

Action for negligence may be based on statute prescribing penalty on carrier for failure to care for live stock in transit.

Burns *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 17, p. 290.

Action for personal injury to passenger transitory.

Denver & R. G. R. Co. *v.* Roller (C. C. A.), vol. 18, p. 595.

Action in state court against receiver of federal court.

Malott *v.* Shimer (Ind.), vol. 15, p. 774.

Action on contract.

Stewart *v.* Cleveland, C., C. & St. L. Ry. Co. (Ind.), vol. 13, p. 28.

Act of widow without consent of child cannot prevent its recovery for injuries and death of father.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Hosea (Ind.), vol. 14, p. 692.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Moore (Ind.), vol. 14, p. 678.

Case proper remedy for loss of goods in freight house by fire.

Welch *v.* Concord R. R. (N. H.), vol. 16, p. 830.

Change of cause of action.

Central of Ga. Ry. Co. *v.* Williams (Ga.), vol. 13, p. 861.

Collisions, action against both companies.

Chicago, R. I. & P. Ry. Co. *v.* Martin (Kan.), vol. 12, p. 4.

Consent of court to action against receiver.

Smith *v.* St. Louis & S. F. Ry. Co. (Mo.), vol. 14, p. 609.

Consignor's right of action for damages to freight.

Savannah, F. & W. Ry. Co. *v.* Commercial Guano Co. (Ga.), vol. 12, p. 848.

Consolidation of railroads, actions for death of wife, proper plaintiff.

Chattanooga Electric Ry. Co. *v.* Johnson (Tenn.), vol. 8, p. 758.

ACTIONS—Continued.

- Defense eliminated from case by changing its theory, in action for injury to trespasser on train.
Merrieles v. Wabash R. Co. (Mo.), vol. 22, p. 158.
- Dismissal of.
Brunswick Grocery Co. v. Brunswick & W. R. Co. (Ga.), vol. 13, p. 85.
- Dismissal of action against joint tort feors as to part of defendants.
Illinois Cent. R. Co. v. Foulks (Ill.), vol. 23, p. 664.
- Effect of assignment of action for personal injuries.
McCafferty v. Pennsylvania R. Co. (Pa.), vol. 16, p. 122.
- Effect of assumption of risk in action under penal statute.
Narramore v. Cleveland, C., C. & St. L. Ry. Co. (C. C. A.), vol. 17, p. 502.
- Effect of previous action against another party for failure to deliver goods.
Louisville, etc., R. Co. v. Bernheim (Ala.), vol. 8, p. 754.
- Enforcement of foreign statute, in action for death by wrongful act.
Nicholas v. Burlington, C. R. & N. Ry. Co. (Minn.), vol. 16, p. 341.
- Garnishment in foreign state as bar to action for same debt in Kansas.
Union Pac. Ry. Co. v. Baker (Kan.), vol. 8, p. 764.
- Jurisdiction of proceeding for forfeiture of franchise.
Eel River R. Co. v. State ex rel. Kistler, Pros. Atty. (Ind.), vol. 17, p. 595.
- Law controlling in action for wrongful death where injury and death occur in different states.
Van Doren v. Pennsylvania R. Co. (C. C. A.), vol. 13, p. 577.
- Lex loci controls in action by employee for personal injuries, not lex fori.
South Carolina & G. R. Co. v. Thurman (Ga.), vol. 14, p. 727.
- Limitation of action for injury to live stock by carrier.
Illinois Cent. R. Co. v. Brown (Ky.), vol. 16, p. 827.

ACTIONS—Continued.

- Limitation of carrier's liability in pass on which deceased was traveling, as affecting statutory action by widow and son for his wrongful death.
Adams v. Northern Pac. Ry. Co. (Wash.), vol. 15, p. 784.
- Limitation of for injury to property by railroad in street.
Baltimore & O. R. Co. v. Lersch (Ohio), vol. 14, p. 835.
- Nature of action by servant for injury caused by master's failure to repair engine.
Kansas City, Ft. S. & M. R. Co. v. Becker (Ark.), vol. 16, p. 348.
- No joinder of causes warranting that plaintiff be required to elect, in action for killing horses on track.
Louisville & N. R. Co. v. Kice (Ky.), vol. 20, p. 44.
- No survival of action for death by wrongful act under Illinois statute.
Malott v. Shimer (Ind.), vol. 15, p. 774.
- Parties as affected by change of venue of action to forfeit railroad franchises.
Eel River R. Co. v. State ex rel. Kistler, Pros. Atty. (Ind.), vol. 17, p. 595.
- Parties necessary in condemnation proceedings.
Illinois Cent. R. Co. v. Town of Normal (Ill.), vol. 13, p. 367.
- Recovery in action for personal injury will not be defeated by reason that another action for same injury has been instituted without plaintiff's authority.
Wolf v. Great Northern Ry. Co. (Minn.), vol. 12, p. 619.
- Removal of causes, local prejudice.
Herndon v. Southern R. Co. (C. C. A.), vol. 8, p. 765.
- Representative's right of action for death by wrongful act.
Chicago, R. I. & P. Ry. Co. v. Young (Neb.), vol. 14, p. 343.
- Pittsburg, C., C. & St. L. Ry. Co. v. Hosea* (Ind.), vol. 14, p. 692.
- Pittsburg, C., C. & St. L. Ry. Co. v. Moore* (Ind.), vol. 14, p. 678.

ACTIONS—Continued.

Revival to recover compensation for using part of homestead as right of way.

Southern Ry. Co. *v.* Cowan (Ala.), vol. 22, p. 150.

Right of action for death by wrongful act.

Chicago, B. & Q. R. Co. *v.* Oyster (Neb.), vol. 12, p. 655.

Right of action for personal injuries survives to administrator.

Brown *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 13, p. 603.

Right of one not an abutter to bring action to recover for injuries to property occasioned by operation of trains.

Willis *v.* Kentucky & I. Bridge Co. (Ky.), vol. 11, p. 324.

Right to sue in forma pauperis.

Allison *v.* Southern Ry. Co. (N. Car.), vol. 23, p. 714.

Service of process in action against railroad company.

Chicago, R. I. & P. Ry. Co. *v.* Groves (Okla.), vol. 16, p. 850.

Shipper whose stock has escaped from cattle pen and been killed on track may bring one action for negligence of carrier in furnishing defective pens and for negligence in killing stock.

Missouri, K. & T. Ry. Co. *v.* Byrne (C. C. A.), vol. 18, p. 573.

Statute of limitations as affected by amendment to petition.

Box *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 16, p. 527.

Stipulation in shipping contract limiting time of bringing unconstitutional.

Richardson *v.* Chicago & A. Ry. Co. (Mo.), vol. 13, p. 170.

Substitution of new next friend.

Missouri Pac. Ry. Co. *v.* Moffatt (Kan.), vol. 12, p. 397.

Survival of action for wrongful death.

Missouri, K. & T. Ry. Co. *v.* Elliott (C. C. A.), vol. 18, p. 715.

St. Louis, I. M. & S. Ry. Co. *v.* Dawson (Ark.), vol. 18, p. 30.

Tort or contract for injury to passenger.

Atlantic & P. Ry. Co. *v.* Laird (U. S.), vol. 8, p. 365.

Venue of action against railroad

ACTIONS—Continued.

for personal injuries is tort.

transi-
St. Louis, I. M. & S. Ry. Co. *v.* Brown (Ark.), vol. 16, p. 440.

Waiver of theory of case in action for injury to trespasser ejected from train.

Merrieles *v.* Wabash R. Co. (Mo.), vol. 22, p. 158.

Waiving objection to revival of action by entering appearance.

Memphis & C. R. Co. *v.* Glover (Miss.), vol. 22, p. 708.

When consignor may sue carrier.

Spence *v.* Norfolk & W. R. Co. (Va.), vol. 2, p. 708.

ACTION FOR DAMAGES TO LAND.

Presumption as to time of damage.

Beach *v.* Wilmington & W. R. Co. (N. Car.), vol. 9, p. 158.

ACT OF GOD.

See Carriers of Freight.

New Orleans & N. E. R. Co. *v.* McEwen & Murray, Limited (La.), vol. 7, p. 742.

Carriers of passengers, liability for.

Norfolk & W. R. Co. *v.* Marshall (Va.), vol. 2, pp. 220, 221.

Heavy dew not.

Missouri, K. & T. Ry. Co. *v.* Truskett (Ind. Ter.), vol. 17, p. 273.

ADDITIONAL SERVITUDE.

See Abutters.

Eminent Domain.

ADMISSIONS.

See Evidence.

Res Gestæ.

Admissions of husband, in action by husband and wife, where husband only a formal party, not admissible.

Strother *v.* Aberdeen & A. R. Co. (N. Car.), vol. 12, p. 121.

Assessment list made by one joint owner of land sought to be condemned.

St. Louis O. H. & C. Ry. Co. *v.* Fowler (Mo.), vol. 10, p. 405.

Instructions as to admissions of counsel.

Central of Ga. Ry. Co. *v.* Johnston (Ga.), vol. 12, p. 286.

ADVERSE POSSESSION.*See Crossings.**Fences.**Right of Way.***Right of Way.**

Abandonment of railroad right of way.

Hanton *v.* Union Pac. R. Co. (Neb.), vol. 1, p. 701.Matthews *v.* Lake Shore, etc., R. Co. (Mich.), vol. 6, p. 791.Maysville & B. S. R. Co. *v.* Holton (Ky.), vol. 8, p. 336.Nashville, C. & S. L. R. Co. *v.* Hammond (Ala.), vol. 1, p. 716.Northern Pac. Ry. Co. *v.* Ely (Wash.), vol. 22, p. 90.St. Louis & T. H. R. Co. *v.* Nugent (Ill.), vol. 1, p. 716.

Acquisition of legal title by.

Pollock *v.* Maysville & B. S. R. Co. (Ky.), vol. 14, p. 821.

Ballinger's Ann. Code and St. sec. 4795, requiring actions to recover real estate to be brought within ten years, applies to action by railroad to recover right of way from person in adverse possession.

Kansas City, P. & G. R. Co. *v.* Barnett (Ark.), vol. 22, p. 81.

Forfeiture of right of way by.

Pollock *v.* Maysville & B. S. R. Co. (Ky.), vol. 14, p. 821.

Presumption of grant from twenty years' adverse possession of railroad lands.

Pittsburgh, etc., Ry. Co. *v.* Strickley (Ind.), vol. 20, p. 148.

Right to acquire valid title to railroad right of way not prevented by public policy.

Northern Pac. Ry. Co. *v.* Ely (Wash.), vol. 22, p. 90.

Title could not be defeated on the ground that occupation was not inconsistent with use for railroad purposes.

Northern Pac. Ry. Co. *v.* Ely (Wash.), vol. 22, p. 90.

Title to railroad company's right of way cannot be acquired by adverse possession.

Southern Pac. Co. *v.* Hyatt (Cal.), vol. 20, p. 576.**ADVERSE POSSESSION—***Continued.*

Valid title may be acquired though possession was under void grant.

Northern Pac. Ry. Co. *v.* Ely (Wash.), vol. 22, p. 90.

Verbal contract for right of way.

Texas & P. Ry. Co. *v.* Scott (C. C. A.), vol. 8, p. 309.

Whether grantor's possession of right of way for farming purposes was adverse or permissive.

Northern Counties Inv. Trust, Limited, *v.* Enyard (Wash.), vol. 20, p. 830.

Title could not be defeated on ground that occupation was not inconsistent with use for railroad purposes.

Northern Pac. Ry. Co. *v.* Ely (Wash.), vol. 22, p. 90.**ADVERSE USE.***See Right of Way.***AFFIDAVITS.***See Evidence.***AGENCY.***See Carriers of Freight. Carriers of Goods. Connecting Carriers. Master and Servant. Officers and Agents. Station Agents.***AGENTS.***See News Agents. Officers and Agents.***AMENDMENTS.***See Crossings.***ANIMALS.***See Stock, Injuries to.*

Liability for killing dog on track.

Mobile & O. R. Co. *v.* Holiday (Miss.), vol. 23, p. 955.**ANNEXATION.**

Right of railroad owning land near city to appeal from annexation proceedings.

Pittsburg, C. C. & St. L. Ry. Co. *v.* City of Indianapolis (Ind.), vol. 11, p. 689.**ANNUITY TABLES.***See Evidence.*

"ANTI SOALPERS ACT."*See Constitutional Law.***APPEAL.***See Corporations.**Damages.**Federal Jurisdiction.*

Duluth, S. S. & A. Ry. Co. v.

Douglas County (Wis.), vol. 14, p. 178.

An appeal was taken from a final order, made by a court which had appointed receivers for an insolvent railway company in a foreclosure suit directing the receivers to give priority over the mortgages to judgments obtained against the company on liabilities incurred before that commencement of the foreclosure suit: *held*, that the railway company was a necessary party to such appeal.

Farmers' Loan & Trust Co. v. Longworth (C. C. A.), vol. 9, p. 201.

Appealable orders.

State, Cass County v. Missouri Pac. Ry. Co. (Mo.), vol. 15, p. 175.

Assignments of error.

Pennsylvania Co. v. Ebaugh (Ind.), vol. 14, p. 701.

Rhode Island Locomotive Works v. Continental Trust Co. (C. C. A.), vol. 21, p. 481.

Bill of exceptions, time for settling.

Tullis v. Lake Erie & W. R. Co. (C. C. A.), vol. 20, p. 335.

Construction by trial court of reservation in deed making grant to railroad not binding on appellate court.

Knowlton v. New York, N. H. & H. R. Co. (Conn.), vol. 16, p. 573.

Correction of record.

Sullivan v. New York, N. H. & H. R. Co. (Conn.), vol. 20, p. 108.

Crossings.

Lawrence v. Atchison, etc., R. Co. (Kan.), vol. 6, p. 777.

Damages.

Parker v. Norfolk & C. R. Co. (N. Car.), vol. 14, p. 844.

Damages on affirmance.

Missouri, K. & T. Ry. Co. v. Elliott (C. C. A.), vol. 18, p. 715.

Effect on supreme court of de-**APPEAL—Continued.**

cision by city court of appeals. Paddock v. Missouri Pac. Ry. Co. (Mo.), vol. 17, p. 310.

Evidence, the admission of which is ground for asking new trial, must be set forth.

Petty v. Brunswick & W. Ry. Co. (Ga.), vol. 16, p. 840.

Former appeal not cause for abatement in proceedings for location of street railway.

Appeal of Cherryfield & M. Electric R. Co. (Me.), vol. 22, p. 906.

Garnishee's right to appeal.

Santa Fe Pac. R. Co. v. Boscut (N. Mex.), vol. 19, p. 683.

Harmless error.

Pittsburg, C., C. & St. L. Ry. Co. v. Moore (Ind.), vol. 14, p. 678.

Judicial discretion to render judgment or remand.

Chicago B. & Q. R. Co. v. Yost (Neb.), vol. 21, p. 92.

Motion for new trial not always a prerequisite.

Barr v. Southern Ry. Co. (Tenn.), vol. 19, p. 261.

Motion for new trial pending at beginning of new term as justifying appeal taken after expiration of new term, under Tenn. Acts 1899, p. 55, ch. 40.

Jackson & S. St. R. Co. v. Simmons (Tenn.), vol. 23, p. 236.

Motion to amend record not necessary to consider.

Sullivan v. New York, N. H. & H. R. Co. (Conn.), vol. 20, p. 108.

Penalty for vexatious appeal.

Missouri, etc., Ry. Co. v. Truskett (C. C. A.), vol. 19, p. 618.

Presumption that paper copied into record by clerk is what it purports to be.

Indianapolis Union Ry. Co. v. Houlihan (Ind.), vol. 21, p. 915.

Receiver's right of appeal from order fixing wages of employees.

Guarantee Trust & Safe-Deposit Co. v. Philadelphia R. & N. E. R. Co. (Conn.), vol. 12, p. 872.

Record.

Seldomridge v. Chesapeake & O. Ry. Co. (W. Va.), vol. 14, p. 639.

APPEAL—Continued.

Refusal to direct verdict as ground for reversal.

Chicago G. W. Ry. Co. v. Price (C. C. A.), vol. 16, p. 324.

Rehearing.

Blair v. Sioux City & P. Ry. Co. (Iowa), vol. 17, p. 363.

Res judicata.

Johnson v. Charleston & S. Ry. Co. (S. Car.), vol. 18, p. 556.

Reversal.

Creswell v. Wilmington & N. R. Co. (Del.), vol. 14, p. 625.

New York, etc., R. Co. v. O'Leary (C. C. A.), vol. 14, p. 718.

Van Doren v. Pennsylvania R. Co. (C. C. A.), vol. 13, p. 577.

Reversal, harmless error.

Galesburg & G. E. R. Co. v. Milroy (Ill.), vol. 19, p. 277.

Jackson v. Kansas City, etc., R. Co. (Mo.), vol. 19, p. 99.

Review.

Baltimore, C. & A. Ry. Co. v. Commissioners of Wicomico County (Md.), vol. 21, p. 284.

Bowen v. Southern Ry. Co. (S. Car.), vol. 18, p. 331.

Central of Georgia Ry. Co. v. Bond (Ga.), vol. 17, p. 757.

Central of Georgia Ry. Co. v. Joseph (Ala.), vol. 18, p. 659.

Chicago, R. I. & P. R. Co. v. O'Neill (Neb.), vol. 13, p. 371.

Commissioners of Wicomico County v. Baltimore, C. & A. Ry. Co. (Md.), vol. 21, p. 284.

Hertert, Treasurer v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 21, p. 672.

Hicks v. Southern Ry. Co. (S. Car.), vol. 21, p. 217.

Houston & T. C. Ry. Co. v. Rutherford (Tex.), vol. 21, p. 710.

Illinois Cent. R. Co. v. Griffin (Ill.), vol. 17, p. 767.

Judson v. Central Vermont R. Co. (N. Y.), vol. 15, p. 7.

Actions for personal injuries occurring during receivership, whether reviewable by writ of error.

APPEAL—Continued.

Thompson v. Northern Pac. Ry. Co. (C. C. A.), vol. 13, p. 651.

Assignments of error.

Illinois Cent. R. Co. v. Abernathy (Tenn.), vol. 22, p. 206.

Nashville St. R. R. v. O'Bryan (Tenn.), vol. 22, p. 902.

Pittsburgh, C. C. & St. L. Ry. Co. v. Martin (Ind.), vol. 23, p. 485.

Stacker v. Louisville & N. R. Co. (Tenn.), vol. 20, p. 704.

Assignments of error not insisted on treated as waived.

Louisville & N. R. Co. v. York (Ala.), vol. 23, p. 470.

Bill of exceptions.

O'Neill v. Chicago, etc., R. Co. (Neb.), vol. 22, p. 578.

Bill of exceptions not necessary to review of demurrer to evidence.

Barr v. Southern Ry. Co. (Tenn.), vol. 19, p. 261.

Bill of exceptions, sufficiency of.

Central of Georgia Ry. Co. v. Woolsey (Ga.), vol. 19, p. 573.

Change in theory of case.

Merrieles v. Wabash R. Co. (Mo.), vol. 22, p. 158.

Conflict in evidence in action for injury to trespasser on train.

Merrieles v. Wabash R. Co. (Mo.), vol. 22, p. 158.

Conflicting evidence.

Chitty v. St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 23, p. 829.

Directed verdict.

Scott v. St. Louis, etc., R. Co. (Iowa), vol. 19, p. 63.

Directing verdict, defendant's right to support.

Whitney v. New York, etc., R. Co. (C. C. A.), vol. 19, p. 184.

Discretion of court to allow cross-examination.

New York, etc., R. Co. v. Jones (Md.), vol. 23, p. 528.

Discretion of court to grant change of venue.

Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.

APPEAL—Continued.

- Effect of former opinion.
 - Sweeney *v.* Montana Cent. Ry. Co. (Mont.), vol. 22, p. 540.
- Effect of recital of clerk contradicting bill of exceptions. Indiana, etc., Ry. Co. *v.* Hendrian (Ill.), vol. 22, p. 392.
- Effect of successive verdicts for plaintiff.
 - Central of Georgia R. Co. *v.* Woolsey (Ga.), vol. 19, p. 573.
- Effect of unsound reason for correct ruling.
 - Stuckey *v.* Atlantic Coast Line R. Co. (S. Car.), vol. 20, p. 771.
- Evidence.
 - Atchison, T. & S. F. Ry. Co. *v.* Conlon (Kan. App.), vol. 15, p. 195.
- Exceptions.
 - Stacker *v.* Louisville & N. R. Co. (Tenn.), vol. 20, p. 704.
 - Wheeler *v.* Grand Trunk Ry. Co. (N. H.), vol. 23, p. 84.
- Excessive damages.
 - Budd *v.* Salt Lake City R. Co. (Utah), vol. 22, p. 6.
- Federal questions.
 - Yazoo & M. V. Ry. Co. *v.* West Adams (U. S.), vol. 20, p. 350.
- Findings of fact.
 - Chesapeake & O. Ry. Co. *v.* Moats (Ky.), vol. 15, p. 645.
 - Cutler *v.* Concord & M. R. R. (N. H.), vol. 18, p. 760.
 - Kansas City, M. & B. R. Co. *v.* Southern Ry. News Co. (Mo.), vol. 14, p. 528.
 - Nelson *v.* Southern Pac. Co. (Utah), vol. 14, p. 374.
- Findings of fact by trial court.
 - State, Grinsfelder *v.* Spokane St. Ry. Co. (Wash.), vol. 11, p. 62.
- General exceptions.
 - Dixon *v.* New England R. R. (Mass.), vol. 22, p. 10.
- Harmless error.
 - Procter *v.* Southern California Ry. Co. (Cal.), vol. 19, p. 77.
- In eminent domain proceedings.
 - Galesburg & G. E. R. Co. *v.* Milroy (Ill.), vol. 19, p. 277.

APPEAL—Continued.

- Instructions.
 - Central of Georgia Ry. Co. *v.* Bond (Ga.), vol. 17, p. 757.
 - McGraw *v.* Chicago, R. I. & P. Ry. Co. (Neb.), vol. 18, p. 764.
- Instruction not a part of the record will not be reviewed.
 - Bias *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 13, p. 616.
- Judgment on demurrer.
 - Memphis & C. R. Co. *v.* Martin (Ala.), vol. 23, p. 683.
- Motion copied into transcript without authority.
 - Pittsburgh, C., C. & St. L. Ry. Co. *v.* Martin (Ind.), vol. 23, p. 485.
- Nonsuit.
 - Bodie *v.* Charleston, etc., Ry. Co. (S. Car.), vol. 22, p. 818.
 - Burns *v.* Southern Ry. Co. (S. Car.), vol. 22, p. 624.
- Objections to evidence.
 - Florida Cent. & P. R. Co. *v.* Foxworth (Fla.), vol. 13, p. 469.
- Objection to form waived by submitting to default.
 - Brockett *v.* Fair Haven & W. R. Co. (Conn.), vol. 20, p. 406.
- Objection to instructions.
 - Mickelson *v.* New East Tintic Ry. Co. (Utah), vol. 20, p. 855.
- Objection to jurisdiction raised for the first time on appeal.
 - Cleveland, etc., Ry. Co. *v.* Munsell (Ill.), vol. 23, p. 579.
- Of findings of master.
 - Columbus, S. & H. R. Co. Appeals (C. C. A.), vol. 22, p. 209.
- Petition for change of venue.
 - Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.
- Presentations of questions under Iowa Acts, 25 Gen. Assem., ch. 96.
 - Enix *v.* Iowa Cent. Ry. Co. (Iowa), vol. 23, p. 54.
- Presumption that corporate books were properly received in evidence in action against

APPEAL—Continued.

- officers to recover misappropriated assets.
- Saranac & L. P. R. Co. v. Arnold (N. Y.), vol. 22, p. 480.
- Presumption that word erased from instruction was read to jury.
- Indiana, etc., Ry. Co. v. Hendrian (Ill.), vol. 22, p. 392.
- Questions of fact.
- Elgin, etc., Ry. Co. v. Duffy (Ill.), vol. 23, p. 361.
- Louisville & N. R. Co. v. Behlmer (U. S.), vol. 18, p. 167.
- People, Loughran v. Board of Railroad Commissioners of State of New York (N. Y.), vol. 15, p. 441.
- Recital of judgment on demurrer.
- Memphis & C. R. Co. v. Martin (Ala.), vol. 23, p. 683.
- Record where appeal from order granting new trial.
- Schneider v. Market St. Ry. Co. (Cal.), vol. 23, p. 692.
- Remarks of counsel for new trial.
- Kansas City, etc., Ry. Co. v. McElroy (Mo.), vol. 22, p. 397.
- Special verdict.
- Pittsburgh, C., C. & St. L. Ry. Co. v. Beck (Ind.), vol. 13, p. 353.
- Statement of ground of objection.
- Youngblood v. South Carolina & G. R. Co. (S. Car.), vol. 20, p. 622.
- Stipulation of facts made subsequent to decree.
- Stelk v. McNulta (C. C. A.), vol. 22, p. 778.
- Sufficiency of bill of exceptions.
- Dixon v. New England R. R. (Mass.), vol. 22, p. 10.
- Sufficiency of evidence.
- Illinois Cent. R. Co. v. Abernathay (Tenn.), vol. 22, p. 206.
- Sufficiency of exceptions.
- Nohrden v. Northeastern R. Co. (S. Car.), vol. 20, p. 241.

APPEAL—Continued.

- Sufficiency of record.
- Scott v. St. Louis, etc., R. Co. (Iowa), vol. 19, p. 63.
- Variance, objection not made to evidence in trial court.
- Jarvis v. Flint & P. M. R. Co. (Mich.), vol. 22, p. 312.
- Waiver of assignments of error.
- Memphis & C. R. Co. v. Martin (Ala.), vol. 23, p. 683.
- Pittsburgh, C., C. & St. L. Ry. Co. v. Martin (Ind.), vol. 23, p. 485.
- Waiver of objection to refusal to direct verdict.
- Southern Ind. Ry. Co. v. Peyton (Ind.), vol. 23, p. 343.
- Waiver of right.
- Rinard v. Omaha, etc., Ry. Co. (Mo.), vol. 22, p. 34.
- Weight of evidence.
- Chesapeake & O. Ry. Co. v. Davis (Ky.), vol. 19, p. 710.
- What constitutes a judgment sustaining or overruling a demurrer, upon which error can be based.
- Tallassee Falls Mfg. Co. v. Western Ry. of Alabama (Ala.), vol. 20, p. 455.
- Whether passenger was incapacitated by intoxication.
- Wheeler v. Grand Trunk (N. H.), vol. 23, p. 84.
- Right of one of several defendants against whom judgment has been obtained to appeal.
- Brockett v. Fair Haven & W. R. Co. (Conn.), vol. 20, p. 406.
- Sufficiency of evidence.
- McGeary v. Old Colony R. R. (R. I.), vol. 14, p. 764.
- Sufficiency of record.
- Chicago, R. I. & P. Ry. Co. v. Young (Neb.), vol. 14, p. 343.
- Sufficiency of record of case originating in justice court to confer jurisdiction upon circuit court.
- Gardner v. New Orleans & N. E. R. Co. (Miss.), vol. 21, p. 865.
- Supreme court of United States will abide by decision of state court as to questions of fact where case is appealed from state court.
- Atchison, T. & S. F. R. Co. v. Matthews (U. S.), vol. 14, p. 89.

APPEAL—Continued.

Supreme court of United States will not review decision of state court as to constitutionality under state constitution of state statute.

Lake Shore & M. S. Ry. Co. v. Smith (U. S.), vol. 14, p. 511.

Time of signing and recording bill of exceptions.

Ketterman v. Dry Fork R. Co. (W. Va.), vol. 19, p. 445.

Waiver of issue on.

Pittsburg, C., C. & St. L. Ry. Co. v. Hosea (Ind.), vol. 14, p. 692.

Waiver of objection to brief of evidence.

Central of Georgia Ry. Co. v. Dorsey (Ga.), vol. 14, p. 212.

Waiver of right to appeal under motion for nonsuit.

Parlier v. Southern Ry. Co. (N. Car.), vol. 23, p. 559.

APPEARANCE.

See Parties.

APPLIANCES.

See Carriers of Passengers.

Licensees.

Master and Servant.

Care required of master in furnishing machinery.

Southern Ry. Co. v. Mauzy (Va.), vol. 20, p. 647.

APPORTIONMENT OF DAMAGES.

See Damages.

APPROPRIATION.

See Eminent Domain.

Fries v. Wheeling & L. E. Ry. Co. (Ohio), vol. 6, p. 489.

ARGUMENTS OF COUNSEL.

See Trial.

ARREST.

See Carriers of Passengers.

Illegal Arrest.

Assumption of risk by employee acting outside scope of employment.

Chicago, R. I. & P. Ry. Co. v. Kinnare (Ill.), vol. 21, p. 328.

ASSAULTS.

See Carriers of Passengers.
Master and Servant.

ASSAULTS—Continued.**Carriers of Passengers.**

A conductor cannot lawfully use more force in repelling an assault upon him by a passenger than is necessary for his defense.

St. Louis S. W. Ry. Co. v. Berger (Ark.), vol. 10, p. 235.

Assault by employees.

Krantz v. Rio Grande Western R. Co. (Utah), vol. 2, p. 432.

Assault on passenger by conductor.

St. Louis S. W. Ry. Co. v. Berger (Ark.), vol. 10, p. 235.

Smith v. Norfolk & W. Ry. Co. (W. Va.), vol. 17, p. 108.

Duty of company to prevent injury to passengers by other passengers.

Louisville & Nashville R. Co. v. McEwan (Ky.), vol. 2, p. 438.

Liability of company for assault by another passenger.

Louisville & Nashville R. Co. v. McEwan (Ky.), vol. 2, p. 438.

Liability of company for assault on passenger by employee.

Atchison, Topeka, etc., R. Co. v. Henry (Kan.), vol. 2, p. 418.

Lampkin v. Louisville, etc., R. Co. (Ala.), vol. 2, p. 425.

Engineer throwing hot water on trespasser.

Galveston, H. & S. A. Ry. Co. v. Zantzing (Tex.), vol. 13, p. 840.

Injuries.

Trespasser.

Louisville & N. R. Co. v. Bernard (Ky.), vol. 6, p. 55.

Liability for assault by station agent, growing out of a personal quarrel.

Lynch v. Florida Cent. & P. R. Co. (Ga.), vol. 22, p. 477.

Liability of railroad company in Illinois for assault by porter on passenger.

Pullman Palace Car Co. v. Lawrence (Miss.), vol. 8, p. 59.

ASSAULTS—Continued.

Liability of sleeping car companies for assault by employees.

Felton *v.* Horner (Tenn.), vol. 8, p. 79.

Motorman of street railroad.

Rudgeair *v.* Reading Traction Co. (Pa.), vol. 8, p. 112.

ASSESSMENT.

See Taxation.

ASSIGNABLE DUTIES.

See Fellow Servants.

ASSIGNMENTS.

Franchise.

Santa Rosa City Railroad Co. *v.* Central Street Railway Co. (Cal.), vol. 1, p. 105.

Right of action for personal injury.

Lehmann *v.* Deuster (Wis.), vol. 10, p. 857.

ASSIGNMENT OF ERROR.

See Appeals.

ASSISTING PASSENGER.

See Carriers of Passengers.

ASSUMPTION OF RISK.

See Master and Servant.

ATTACHMENT.

See Carriers of Goods.
Witnesses.

Carriers of goods.

Hamilton *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 8, p. 526.

Goods in transit subject to attachment.

Santa Fe Pac. R. Co. *v.* Boscut (N. Mex.), vol. 19, p. 683.

ATTORNEYS.

See Remarks of Counsel.

ATTORNEYS' FEES.

See Carriers of Live Stock.
Constitutional Law.
Damages.

Missouri statute requiring railroads to pay attorney's fee in addition to damages recovered for injuries to live stock in transit is unconstitutional.

Paddock *v.* Missouri Pac. Ry. Co. (Mo.), vol. 17, p. 310.

ATTORNEYS' FEES—Cont'd.

Statute imposing against railroads where recovery is had for fire is constitutional.

Atchison, T. & S. F. R. Co. *v.* Matthews (U. S.), vol. 14, p. 89.

Validity of statute providing for an attorney's fees where claims against railroad companies are not promptly paid.

Gulf, C. & S. F. R. Co. *v.* Ellis (U. S.), vol. 6, p. 752.

AUTOMATIC VALVE.

See Frightening Horses.

BAGGAGE.

See Carriers of Goods.

Carriers of Passengers.

Common Carriers.

Sleeping Car Companies.
Warehouseman.

Act of God, liability of carrier for previous negligence.

Wald *v.* Pittsburg, etc., R. Co. (Ill.), vol. 5, pp. 70, 79.

Allegations in action for loss of.

Ranchau *v.* Rutland R. Co. (Vt.), vol. 14, p. 416.

Authority of baggage master.

Coffee *v.* Louisville & N. R. Co. (Miss.), vol. 14, p. 423.

Bicycles.

State of Missouri *ex rel.* Bettis *v.* Missouri Pac. R. Co. (Mo.), vol. 7, p. 66.

Carrier not bound by knowledge of ticket agent as to character of not acquired officially.

Central of Georgia Ry. Co. *v.* Joseph (Ala.), vol. 18, p. 659.

Carrier not liable as warehouseman for sample cases knowingly shipped as baggage in violation of carrier's rules.

Weber Co. *v.* Chicago, etc., Ry. Co. (Iowa), vol. 20, p. 464.

Delivering baggage earlier than necessary.

Goldberg *v.* Ahnapee & W. Ry. Co. (Wis.), vol. 17, p. 65.

Estoppel of company by receiving property as baggage to deny that it is baggage.

Kansas City, etc., R. Co. *v.* McGahey (Ark.), vol. 7, p. 767.

BAGGAGE—Continued.

- Evidence as to rule requiring baggage master to exact release of liability from drummers as condition precedent to checking trunks.
Trimble v. New York Cent. & H. R. Co. (N. Y.), vol. 17, p. 176.
- Failure to deliver, prima facie case of negligence.
Pennsylvania Co. v. Livright (Ind. App.), vol. 3, p. 427.
- Fruit in trunk is not.
Georgia R. Co. v. Johnson (Ga.), vol. 21, p. 840.
- How liability arises.
State v. Knight (N. J.), vol. 3, p. 374.
- Injury to passenger's baggage checked over wrong road.
Beers v. Boston, etc., R. Co. (Conn.), vol. 4, p. 263.
- Judicial notice as to custom of drummers not owning trunks which they carry.
McKibbin v. Great Northern Ry. Co. (Minn.), vol. 16, p. 155.
- Knowingly shipping sample cases as baggage in violation of rule requiring bond releasing from liability.
Weber Co. v. Chicago, etc., Ry. Co. (Iowa), vol. 20, p. 464.
- Larceny.
Ringwalt v. Wabash R. Co. (Neb.), vol. 2, p. 450.
Southern Kansas Ry. Co. v. Clark (Kan.), vol. 2, p. 460.
- Liability as warehouseman.
Blackmore v. Mo. Pac. Ry. Co. (Mo.), vol. 21, p. 360.
Kansas City, etc., R. Co. v. McGahey (Ark.), vol. 7, p. 767.
- Liability for baggage stored for transportation.
Bader v. Southern Pac. Co. (La.), vol. 17, p. 60.
- Liability for loss on connecting lines.
Lessard v. Boston & M. R. R. (N. H.), vol. 17, p. 211.
- Liability for loss while in custody and control of passenger.
Whicher v. Boston & A. R. Co. (Mass.), vol. 18, p. 325.
- Liability of carrier to employer of drummer whose trunks have been lost.
McKibbin v. Great Northern Ry. Co. (Minn.), vol. 16, p. 155.

BAGGAGE—Continued.

- Liability of company for loss of money received for transportation as baggage.
St. Louis Southwestern R. Co. v. Berry (Ark.), vol. 2, p. 457.
- Liability of company for money accepted as baggage by agent with notice that passenger was ignorant of rule forbidding acceptance.
St. Louis Southwestern R. Co. v. Berry (Ark.), vol. 2, p. 457.
- Limiting Liability.
A provision limiting responsibility for baggage is ineffectual in the absence of evidence, that plaintiff's attention was specially called to it.
Wiegand v. Central R. Co. of New Jersey (Pa.), vol. 5, p. 61.
New Jersey statute limiting liability of common carrier was not intended to relieve warehouse keepers.
Wiegand v. Central R. Co. of New Jersey (Pa.), vol. 5, p. 61.
- Obligation to read receipt for trunk limiting liability.
Merrill v. Pacific Transfer Co. (Cal.), vol. 21, p. 143.
- Recovery of entire loss may be had where carrier is subject to common-law liability.
Ranchau v. Rutland R. Co. (Vt.), vol. 14, p. 416.
- Whether statute to prevent carriers from contracting for exemption from liability prohibits them from refusing to receive jeweler's case as ordinary baggage.
Weber Co. v. Chicago, etc., Ry. Co. (Iowa), vol. 20, p. 464.
- Master and servant, liability of company for loss of servant's luggage containing master's property.
Meux v. Great Eastern Railway Co. (Eng.), vol. 2, p. 464.
- Merchandise.
Toledo & O. C. R. Co. v. Bowler & Burdick Co. (Ohio), vol. 8, p. 533.
Toledo & O. C. R. Co. v. Dages (Ohio), vol. 8, p. 533.

BAGGAGE—Continued.

- Liability for merchandise shipped as baggage depends upon existence of gross negligence.
Toledo & O. C. R. Co. v. Bowler & Burdick Co. (Ohio), vol. 19, p. 574.
- Liability for merchandise shipped as baggage with knowledge of connecting carrier's baggage master.
Toledo & O. C. R. Co. v. Bowler & Burdick Co. (Ohio), vol. 19, p. 574.
- Liability of company for theft from sample case in baggage room.
Southern Kansas Ry. Co. v. Clark (Kan.), vol. 2, p. 460.
- Necessity of claiming loss while baggage is in possession of company.
Ringwalt v. Wabash R. Co. (Neb.), vol. 2, p. 450.
- Necessity of possession by company of baggage in order to create liability.
Ringwalt v. Wabash R. Co. (Neb.), vol. 2, p. 450.
- Notice of nature of baggage.
Kansas City, etc., R. Co. v. McGahey (Ark.), vol. 7, p. 767.
- Waiver of rule prohibiting the receiving of merchandise as ordinary baggage.
Weber Co. v. Chicago, etc., Ry. Co. (Iowa), vol. 20, p. 464.
- Notice to carrier as to contents of trunk.
Trimble v. New York Cent. & H. R. Co. (N. Y.), vol. 17, p. 176.
- Partnership goods.
State v. Knight (N. J.), vol. 3, p. 374.
- Passenger injured by trunk falling on him while he was passing to the eating house from a train.
Duvernet v. Morgan's Louisiana & T. R. R. & S. S. Co. (La.), vol. 6, p. 483.
- Passenger's right to carry parcels, sufficiency of evidence of usage to show adopting of rule by carrier.
Runyan v. Central R. Co. of New Jersey (N. J.), vol. 19, p. 290.

BAGGAGE—Continued.

- Presumption that damage to occurred on last road.
Moore v. New York, N. H. & H. R. Co. (Mass.), vol. 14, p. 210.
- Presumption where jewelry is stolen from trunk.
Ringwalt v. Wabash R. Co. (Neb.), vol. 2, p. 450.
- Reasonableness of rule as to checking.
Coffee v. Louisville & N. R. Co. (Miss.), vol. 14, p. 423.
- Reasonable time for delivering baggage.
Goldberg v. Ahnapee & W. Ry. Co. (Wis.), vol. 17, p. 65.
- Reasonable time for removal of baggage.
Kansas City, etc., R. Co. v. McGahey (Ark.), vol. 7, p. 767.
- Right of drummer's employer to recover for loss of sample trunk.
Trimble v. New York Cent. & H. R. Co. (N. Y.), vol. 17, p. 176.
- Scope of authority of baggage master accepting as baggage money in excess of that prescribed by rule.
St. Louis Southwestern R. Co. v. Berry (Ark.), vol. 2, p. 457.
- Sleeping Car Companies.**
Baggage in sleeping car.
Dawley v. Wagner Pal., etc., Co. (Mass.), vol. 8, p. 766.
- Pullman's Palace Car Co. v. Martin (Ga.), vol. 2, p. 475.
- Delivery of baggage between cars and stations.
Voss v. Cleveland, C., C. & St. L. R. Co. (Ind. App.), vol. 3, p. 427.
- Liability for delivery of baggage between cars and station.
Voss v. Cleveland, C., C. & St. L. R. Co. (Ind. App.), vol. 3, p. 427.
- Termination of liability as carrier.
Pennsylvania R. Co. v. Live-right (Ind.), vol. 2, p. 455.
- Unreasonable delay in calling for baggage.
Wiegand v. Central R. Co. of New Jersey (Pa.), vol. 5, p. 61.

BAGGAGE—Continued.

Warehousemen.

Pennsylvania R. Co. *v.* Liv-
eright (Ind.), vol. 2, p. 455.

Where evidence is conflicting
question whether baggage
was delivered to carrier is for
jury.

McKibbin *v.* Great Northern
Ry. Co. (Minn.), vol. 16, p.
155.

Where ticket was purchased for
sole purpose of checking
trunk, the railroad was not
liable for the loss of trunk in
baggage room at destination
in absence of gross negli-
gence.

Marshall *v.* Pontiac, O. & N.
R. Co. (Mich.), vol. 20, p.
341.

Whether statute making rail-
road an insurer against fire
applicable where baggage de-
stroyed in depot.

Blackmore *v.* Mo. Pac. Ry.
Co. (Mo.), vol. 21, p. 360.

BAGGAGE CARS.

See Carriers of Passengers.

BAILOR.

See Carriers of Goods.

BANANA SKINS.

See Stations and Depots.

BELL.

Weight of engine bell, statute.
Central Texas & N. W. Ry.
Co. *v.* Bush (C. C. A.), vol.
3, p. 264.

**BENEFICIAL ASSOCIA-
TIONS.**

See Relief Associations.

BENEFITS.

See Eminent Domain.

BETTERMENTS.

See Railroad Commissioners.

BICYCLES.

See Baggage.
Crossings.

Baggage.

State of Missouri, Bettis *v.*
Missouri Pac. Ry. Co.
(Mo. App.), vol. 7, p. 66.

Care required of bicyclist at
crossings.

Robertson *v.* Pennsylvania R.
Co. (Pa.), vol. 7, p. 605.

BICYCLES—Continued.

Duty to dismount before cross-
ing track, where view is ob-
structed.

Law *v.* Lake Shore & M. S.
R. Co. (Mich.), vol. 15, p.
95.

BILLS AND NOTES.

See Payments.

BILLS IN EQUITY.

Bill for specific performance of
a verbal agreement to sell and
convey in fee a certain strip
of land for a railroad track.

Norfolk, etc., R. Co. *v.* Mc-
Garry (W. Va.), vol. 6, p.
787.

Ultra vires act of plaintiff.

City of Chicago *v.* Union
Stock Yard & Transit Co.
(Ill.), vol. 7, p. 490.

BILLS OF EXCEPTION.

See Appeal.

BILLS OF LADING.

See Carriers of Freight.
Carriers of Goods.

"Actual custody" of goods.
Texas & P. Ry. Co. *v.* Clay-
ton (U. S.), vol. 13, p. 236.

Admissibility of evidence of
custom to vary stipulation as
to time for removal of goods.

Tallassee Falls Mfg. Co. *v.*
Western Ry. of Alabama
(Ala.), vol. 20, p. 455.

Admissibility of evidence to
explain or contradict.

Lake Shore & M. S. R. Co.
v. National Live-Stock
Bank (Ill.), vol. 13, p. 1.

Admissibility of testimony of
railroad agent to explain
technical words.

Mouton *v.* Louisville & N. R.
Co. (Ala.), vol. 20, p. 673.

Bill not signed by shipper.

Central of Ga. Ry. Co. *v.*
Kavanaugh (C. C. A.), vol.
13, p. 119.

Carrier must affix revenue
stamp to.

Atty. Gen., Moore *v.* America
Exp. Co. (Mich.), vol. 13,
p. 95.

Consignee's right to recovery
not dependent on.

Alabama Mid. Ry. Co. *v.*
Darby (Ala.), vol. 13, p.
105.

BILLS OF LADING—Continued. BILLS OF LADING—Continued.

- Construction of.
 - Gulf, etc., R. Co. *v.* Jones (Ind.), vol. 5, p. 693.
- Construction of bill of lading where cotton is destroyed by fire before delivery to railroad.
 - Amory Mfg. Co. *v.* Gulf, C. & S. F. Ry. Co. (Tex.), vol. 8, p. 472.
- Construction of particular bill of lading.
 - Union Pacific Railway Co. *v.* Johnston (Neb.), vol. 2, p. 601.
- Delivery.
 - Raleigh & G. R. Co. *v.* Lowe (Ga.), vol. 10, p. 398.
 - Union Pacific Railway Co. *v.* Johnston (Neb.), vol. 2, p. 601.
- Delivery of goods to endorsee, partnership as endorsee, delivery upon a written order by one of the partners.
 - Chicago, Packing & Provision Co. *v.* Savannah, F. & W. Ry. Co. (Ga.), vol. 10, p. 391.
- Delivery of goods to holder of bill of lading.
 - Commercial Bank *v.* Chicago, etc., R. Co. (Ill.), vol. 4, p. 263.
- Delivery of goods where consignee did not surrender bill of lading made at the peril of the carrier.
 - Union Pacific Railway Co. *v.* Johnston (Neb.), vol. 2, p. 601.
- Delivery to carrier, bill of lading as conclusive evidence of, under Mississippi Code in action by carrier to recover over an indemnity policy.
 - Illinois Cent. R. Co. *v.* Lancashire Ins. Co. (Miss.), vol. 21, p. 840.
- Delivery without requiring surrender of bill of lading.
 - Witt *v.* East Tennessee & W. N. C. R. Co. (Tenn.), vol. 8, p. 380.
- Effect of transfer.
 - Cox *v.* Vermont Cent. R. Co. (Mass.), vol. 9, p. 591.
- How far transfer of bill of lading operates as delivery of property.
 - Union Pacific Railway Co. *v.* Johnston (Neb.), vol. 2, p. 601.
- Larceny.
 - Raleigh & G. R. Co. *v.* Lowe (Ga.), vol. 10, p. 398.
- Liability of carrier for failure to deliver goods upon demand of holder of bill.
 - Western & A. R. Co. *v.* Ohio Valley Bkg. & Trust Co. (Ga.), vol. 15, p. 839.
- Liability of carrier of goods where he delivers to consignee without the production of the bill of lading.
 - Nebraska Meal Mills *v.* St. Louis S. W. Ry. Co. (Ark.), vol. 7, p. 591.
- Liability on original bill where property has been delivered upon duplicate.
 - Midland National Bank *v.* Missouri Pacific Railway Co. (Mo.), vol. 2, p. 586.
- Limiting Liability.
 - Burden of proof.
 - Hinton *v.* Eastern Ry. Co. of Minnesota (Minn.), vol. 11, p. 125.
 - Restriction in bill of lading limiting liability.
 - Chicago & N. W. Ry. Co. *v.* Simon (Ill.), vol. 5, p. 80.
 - Restriction in bill of lading limiting liability of common carrier for goods to be forwarded beyond its lines.
 - Chicago & N. W. Ry. Co. *v.* Simon (Ill.), vol. 5, p. 80.
 - Stipulation, exempting carrier where shipper fails to give notice of loss is valid.
 - St. Louis & S. F. Ry. Co. *v.* Hurst (Ark.), vol. 17, p. 324.
- Validity.
 - Berry *v.* West Virginia & P. R. Co. (W. Va.), vol. 11, p. 103.
- Markings on bill of lading as evidence.
 - Miller Grain & Elevator Co. *v.* Union Pac. Ry. Co. (Mo.), vol. 8, p. 1.
- Negotiability.
 - Cox *v.* Vermont Cent. R. Co. (Mass.), vol. 9, p. 591.
 - Raleigh & G. R. Co. *v.* Lowe (Ga.), vol. 10, p. 398.
- Ownership of goods consigned to shipper, is question for jury.
 - Missouri Pac. Ry. Co. *v.* Lau (Neb.), vol. 13, p. 108.

BILLS OF LADING—Continued.

Parol evidence.

McElveen *v.* Southern Ry. Co. (Ga.), vol. 15, p. 842.

Stewart *v.* Cleveland, C. C. & St. L. Ry. Co. (Ind.), vol. 13, p. 28.

Tallassee Falls Mfg. Co. *v.* Western Ry. of Alabama (Ala.), vol. 10, p. 339.

Presumption of ownership of goods consigned to shipper.

Missouri Pac. Ry. Co. *v.* Lau (Neb.), vol. 13, p. 108.

Refusal to furnish bill of lading.

Couly *v.* Sherman, etc., Ry. Co. (Tex.), vol. 6, p. 772.

Retention of bill of lading, title to goods.

Baker *v.* Chicago, etc., Ry. Co. (Iowa), vol. 6, p. 772.

Right of bona fide holder where carrier changes destination of shipment.

Western & A. R. Co. *v.* Ohio Valley Bkg. & Trust Co. (Ga.), vol. 15, p. 839.

Surrender of pledge of an original set of bills of lading given as security for loans, for other bills.

Midland National Bank *v.* Missouri Pacific Railway Co. (Mo.), vol. 2, p. 586.

Theft of Bill of Lading.

Delivery of goods to thief.

Raleigh & G. R. Co. *v.* Lowe (Ga.), vol. 10, p. 398.

Through bill governed by *lex loci*.

Central of Ga. Ry. Co. *v.* Kavanaugh (C. C. A.), vol. 13, p. 119.

Through bill issued by initial carrier renders connecting carriers liable severally.

Cincinnati, N. O. & T. P. Ry. Co. *v.* N. K. Fairbanks & Co. (C. C. A.), vol. 13, p. 179.

Usages and Customs.

Custom at place of delivery as affecting rights under the original bill of lading.

Midland National Bank *v.* Missouri Pacific Railway Co. (Mo.), vol. 2, p. 586.

Liability of carrier on original bill of lading irre-

BILLS OF LADING—Continued.

spective of local custom as to honoring duplicate bills.

Midland National Bank *v.* Missouri Pacific Railway Co. (Mo.), vol. 2, p. 586.

Validity of cause requiring notice of loss.

Gwyn Harper Mfg. Co. *v.* Carolina Cent. R. Co. (N. Car.), vol. 21, p. 429.

Validity where accepted by consignee but not signed.

Mouton *v.* Louisville & N. R. Co. (Ala.), vol. 20, p. 673.

Verbal contract with terminal carrier not superseded by bill of lading of initial carrier.

St. Louis & S. W. Ry. Co. *v.* Elgin Con. Milk Co. (Ill.), vol. 13, p. 112.

BLACKBOARDS.

Liability with respect to blackboards for schedules, under Ind. Acts 1889, p. 279.

State *v.* Cleveland, etc., Ry. Co. (Ind.), vol. 23, p. 336.

BLACKLISTING.

See Discharge Lists.

Master and Servant.

BLASTING.

See Negligence.

Ordinances.

BLIND.

See Carriers of Passengers.

Care to be exercised by the blind.

Florida *v.* Williams (Fla.), vol. 5, p. 696.

Refusal of carrier to carry blind persons.

Zackery *v.* Mobile, etc., R. Co. (Miss.), vol. 6, p. 267.

BONDHOLDERS.

See Reorganization.

BONDS.

See Carriers of Goods.

Coupons.

Municipal Aid.

Preferential Claims.

Curative statute of Alabama making valid election for issue of railroad aid bonds.

Carpenter *v.* Greene County (Ala.), vol. 23, p. 191.

BONDS—Continued.

Effect of unfulfilled promise of railroad officers on right of innocent purchasers of railroad aid bonds.

Carpenter *v.* Greene County (Ala.), vol. 23, p. 191.

Equity jurisdiction of bill to obtain cancellation of guaranty on.

Louisville, N. A. & C. Ry. Co. *v.* Louisville Trust Co. (U. S.), vol. 15, p. 345.

Equity will not compel minority bondholders to assent to reorganization scheme requiring them to scale bonds.

Lake St. El. R. Co. *v.* Ziegler (C. C. A.), vol. 23, p. 1.

Power of railroad to guaranty. Louisville, N. A. & C. Ry. Co. *v.* Louisville Trust Co. (U. S.), vol. 15, p. 345.

Presumption of regularity of guaranty.

Louisville, N. A. & C. Ry. Co. *v.* Louisville Trust Co. (U. S.), vol. 15, p. 345.

Purchaser not required to inspect corporate records of railroad company to see whether guaranty by such company of certain bonds was authorized by stockholders.

Louisville, N. A. & C. Ry. Co. *v.* Louisville Trust Co. (U. S.), vol. 15, p. 345.

Purchaser of guaranteed bonds with notice that guaranty is irregular cannot recover on it. Louisville, N. A. & C. Ry. Co. *v.* Louisville Trust Co. (U. S.), vol. 15, p. 345.

Right of action on railroad bonds where transferred without indorsement.

Carpenter *v.* Greene County (Ala.), vol. 23, p. 191.

Right of one claiming to have loaned company money to intervene in action by bondholders to foreclose mortgage. First Nat. Bank of Grand Junction *v.* Wyman (Colo.), vol. 23, p. 277.

Right to interest on coupons attached to railroad bonds under New York statute.

Columbus, S. & H. R. Co. Appeals (C. C. A.), vol. 22, p. 209.

Specific performance.

O'Beirne *v.* Alleghany & K. R. Co. (N. Y.), vol. 10, p. 860.

BONDS—Continued.

Validity of bonds issued in exchange in good faith to effect reorganization.

Sioux City, O. & W. Ry. Co. *v.* Manhattan Trust Co. (C. C. A.), vol. 15, p. 430.

Validity of railroad aid bonds under statutes of Alabama.

Carpenter *v.* Greene County (Ala.), vol. 23, p. 191.

Whether estopped by recitals in second mortgage executed by purchaser at sale from claiming right to be subrogated to standing of such foreclosed mortgages as were superior in general foreclosure suit to prior mortgage for satisfaction of which second mortgage was executed.

Columbus, S. & H. R. Co. Appeals (C. C. A.), vol. 22, p. 209.

BONDS AND NOTES.

See Railroads.

BOOKS.

See Evidence.

BRAKEMEN.

See Contributory Negligence.
Coupling Cars.
Fellow Servants.
Master and Servant.
Trespassers.

Collision between separated sections of train contributory negligence.

Richmond & D. R. Co. *v.* Tribble (Va.), vol. 3, p. 632.

Evidence as to duties of.

McCray *v.* Galveston, H. & S. A. R. Co. (Tex.), vol. 3, p. 276.

Killed by steel rail falling from forward car.

McCray *v.* Galveston, H. & S. A. R. Co. (Tex.), vol. 3, p. 276.

Striking against a cattle chute on a siding close to track.

Boyd *v.* Harris (Pa.), vol. 4, p. 472.

BRIDGE GUARDS.

See Master and Servant.

BRIDGES.

See Master and Servant.
Taxation.

BRIDGES—Continued.

As part of highway.

Pittsburg & West End Passenger Railway Co. *v.* Point Bridge Co. (Pa.), vol. 1, p. 209.

Character of railroad bridge required for convenience and necessity a judicial question.

Williams, State's Atty. *v.* New York, N. H. & H. R. Co. (Conn.), vol. 12, p. 860.

Construction of overhead bridge in street.

City of Charlottesville *v.* Southern Ry. Co. (Va.), vol. 16, p. 600.

Contributory negligence in driving heavy vehicles upon, question for jury.

Bush *v.* Delaware, L. & W. R. Co. (N. Y.), vol. 21, p. 516.

Death of employee from overhead bridge.

Fitzgerald *v.* New York Cent. & H. R. Co. (N. Y.), vol. 9, p. 434.

Defendant not entitled to notice of defect in bridge caused by its act.

Louisville & N. R. Co. *v.* Pittman (Ky.), vol. 23, p. 55.

Duty to keep in repair under New York Laws 1897, ch. 754, sec. 64.

Bush *v.* Delaware L. & W. R. Co. (N. Y.), vol. 721, p. 516.

Duty to maintain overhead bridge under New York Laws 1890, ch. 565, sec. 11, requiring restoration of highway.

Bush *v.* Delaware, L. & W. R. Co. (N. Y.), vol. 21, p. 516.

Evidence of subsequent repairs.

Bush *v.* Delaware, L. & W. R. Co. (N. Y.), vol. 21, p. 516.

Expert testimony as to durability of bridge.

Bush *v.* Delaware, L. & W. R. Co. (N. Y.), vol. 21, p. 516.

Expert testimony as to durability of material.

Bush *v.* Delaware, L. & W. R. Co. (N. Y.), vol. 21, p. 516.

Framework of bridge, construction of New York Laws 1897,

BRIDGES—Continued.

ch. 754, sec. 64, requiring maintenance of bridge over highway.

Bush *v.* Delaware, L. & W. R. Co. (N. Y.), vol. 21, p. 516.

Grant of use of bridge to other railroads.

Union Pac. Ry. Co. *v.* Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 1.

Knowingly using defective bridge at crossing as contributory negligence.

Evans *v.* Charleston & W. C. Ry. Co. (Ga.), vol. 15, p. 200.

Liability of railroad assuming duty of municipality for negligence in maintaining bridge.

Bush *v.* Delaware, L. & W. R. Co. (N. Y.), vol. 21, p. 516.

Liability of railroad for improper construction.

Brown *v.* Pine Creek Ry. Co. (Pa.), vol. 8, p. 693.

Mandamus to compel construction of, over street, parties.

Williams, State's Atty. *v.* New York, N. H. & H. R. Co. (Conn.), vol. 12, p. 860.

Master free from negligence is not liable for death of servant from low bridge.

Myers *v.* Chicago, St. P., M. & O. Ry. Co. (C. C. A.), vol. 14, p. 749.

Negligence in maintaining low topped bridge.

Atchison, etc., R. Co. *v.* Love (Kan.), vol. 4, p. 256.

Obstruction of navigable stream.

Hedges *v.* West Shore R. Co. (N. Y.), vol. 5, p. 647.

Jones *v.* St. Paul, etc., Ry. Co. (Wash.), vol. 6, p. 789.

Right of street railway to build overheard bridge over right of way of a railroad company.

Northern Cent. R. Co. *v.* Harrisburg & M. Electric R. Co. (Pa. St.), vol. 6, p. 151.

Servant having notice assumes risk of low bridge.

Myers *v.* Chicago, St. P., M. & O. Ry. Co. (C. C. A.), vol. 14, p. 749.

BRIDGES—Continued.

Signal for overhead bridges at crossings.

Cleveland, C., C. & St. L. R. Co. v. Halvert (Ill.), vol. 15, p. 180.

Specific performance of contract granting right to use bridge.

Union Pac. Ry. Co. v. Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 1.

Whether railroad liable for personal injuries caused by collapse depended on weight of vehicle, construction of New York Laws 1890, ch. 568, sec. 154.

Bush v. Delaware, L. & W. R. Co. (N. Y.), vol. 21, p. 516.

BROKERS.

Delivery to broker or consignor.

American Sugar Refining Co. v. McGhee (Ga.), vol. 2, p. 697.

BUILDING CONTRACTS.

See Working Contracts.

BURDEN OF PROOF.

See Contributory Negligence.

Death by Wrongful Acts. Negligence.

Chase v. Maine Cent. R. R. (Mass.), vol. 6, p. 343.

Cleveland, C., C. & St. L. Ry. Co. v. Miller (Ind.), vol. 9, p. 684.

Crouse v. Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 780.

Houston & T. C. R. Co. v. Kelly (Tex. Civ. App.), vol. 3, p. 444.

Jacobson v. Wisconsin M. & P. R. Co. (Minn.), vol. 13, p. 228.

Lee v. International, etc., R. Co. (Tex.), vol. 5, p. 376.

Mobile & O. R. Co. v. Wilson (C. C. A.), vol. 6, p. 97.

Omaha Street Ry. Co. v. Martin (Neb.), vol. 4, p. 1.

Action for injury to live stock shipped by connecting carriers.

Milam v. Southern Ry. Co. (S. Car.), vol. 18, p. 253.

Burden is on plaintiff, in action for injuries alleged to have been caused by fellow servant, to show that he was free from fault, and when this is done,

BURDEN OF PROOF—Cont'd.

burden is on defendant to show that his servants were not at fault.

Florida Cent. & P. R. Co. v. Mooney (Fla.), vol. 12, p. 721.

Burden is on plaintiff, in action for personal injuries to show extent of injuries and damages sustained thereby.

Texas & P. Ry. Co. v. Barrett (U. S.), vol. 11, p. 867.

Burden of proof as to compliance with statute creating absolute liability for failure to observe statutory precautions to prevent accidents on railroads.

Walton v. Chattanooga Rapid-Transit Co. (Tenn.), vol. 19, p. 436.

Burden of proof as to knowledge of defect, in action for death of employee.

Judd v. Chesapeake & O. Ry. Co. (Ky.), vol. 11, p. 517.

Burden of proof as to negligence of railroad where responsibility for origin of fire has been fixed upon it.

Patteson v. Chesapeake & O. R. Co. (Va.), vol. 6, p. 389.

Burden of proof where passenger is injured.

Chicago City Ry. Co. v. Rood (Ill.), vol. 7, p. 784.

Burden of proving conscious suffering in action for death by wrongful act.

Sweetland v. Chicago & G. T. R. Co. (Mich.), vol. 11, p. 613.

Burden of proving nonassumption of risk from unblocked guard-rail.

Burnham v. Concord & M. R. R. (N. H.), vol. 16, p. 320.

Connecting carriers, injury to goods.

Gulf, etc., v. Jones (Ind. Ter.), vol. 5, p. 695.

Louisville & N. R. Co. v. Tennessee Brewing Co. (Tenn.), vol. 4, p. 661.

Contributory Negligence.

Central Texas & N. W. Railway Co. v. Bush (Tex.), vol. 3, p. 264.

Hunter v. Montana Cent. Ry. Co. (Mont.), vol. 16, p. 615.

BURDEN OF PROOF—Cont'd.

Absence of contributory negligence in action for death by wrongful act.

Heckle *v.* Southern Pac. Co. (Cal.), vol. 15, p. 584.

Burden of proving due care by deceased where employee is killed on track.

Dyer *v.* Fitchburg R. Co. (Mass.), vol. 11, p. 473.

Tumalty *v.* New York, N. H. & H. R. Co. (Mass.), vol. 11, p. 468.

Burden of proving failure of injured person to exercise care at crossing is on company.

Steele *v.* Northern Pac. Ry. Co. (Wash.), vol. 15, p. 129.

Where it is admitted that plaintiff's decedent knew that an appliance was defective, burden is on plaintiff to show that his decedent was justified in running risk of injury therefrom.

Ford *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 11, p. 489.

Crossings, due care by deceased at crossing.

Crawford *v.* Chicago G. W. Ry. Co. (Iowa), vol. 16, p. 628.

Crossings, to show that driver exercised reasonable care.

Chase *v.* Maine Cent. R. R. (Mass.), vol. 6, p. 343.

Fellow servants.

Hunter *v.* Kansas City & M. Railway & Bridge Co. (C. C. A.), vol. 10, p. 620.

Instructions.

Ford *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 11, p. 489.

Gulf, C. & S. F. Ry. Co. *v.* Johnson (Tex.), vol. 14, p. 82.

Hale *v.* New York & N. E. R. Co. (Mass.), vol. 16, p. 535.

Instructions as to burden of proving exercise of due care by person injured while on track.

Chicago, B. & O. R. Co. *v.* Murowski (Ill.), vol. 15, p. 697.

It was error to instruct upon

BURDEN OF PROOF—Cont'd.

which party burden of proof rested.

Macon *v.* Paducah St. Ry. Co. (Ky.), vol. 22, p. 614.

Necessity of change of route.

Village of Wayzata *v.* Great Northern Ry. Co. (Minn.), vol. 7, p. 360.

Negligence.

Central R. & B. Co. *v.* Ogle-tree (Ga.), vol. 2, p. 382.

Heckle *v.* Southern Pac. Co. (Cal.), vol. 15, p. 584.

Michigan Cent. R. Co. *v.* Lauricella (Tex.), vol. 2, p. 382.

Parker *v.* South Carolina & G. Ry. Co. (S. Car.), vol. 6, p. 731.

Negligence and contributory negligence.

Cox *v.* Norfolk & C. R. Co. (N. Car.), vol. 12, p. 390.

Plaintiff in action to recover for personal injuries alleged to have been caused by defective engine must show that it was unsuitable for use and that such defects caused the accident.

Texas & P. Ry. Co. *v.* Barrett (U. S.), vol. 11, p. 867.

Statutory rule as to presumption of negligence does not apply in action against receiver.

Robinson *v.* Huidekoper (Ga.), vol. 5, p. 216.

Verdict not directed for party on whom is burden of proof.

Cox *v.* Norfolk & C. R. Co. (N. Car.), vol. 12, p. 390.

BURGLARY.

Indictment for burglary.

State *v.* Davis (Mo.), vol. 7, p. 601.

CARE.

See Carriers of Passengers.

CAR COUPLERS.

See Couplings.

CAR INSPECTORS.

See Fellow Servants.

CAR RENTALS.

*See Mortgages.
Receivers.*

CARRIERS.

*See Actions.
Terminal Companies.*

CARRIERS OF FREIGHT.

- See Carriers of Goods.*
Carriers of Live Stock.
Circus.
Common Carriers.
Competition.
Connecting Carriers.
Damages.
Demurrage.
Interstate Commerce.
Interstate Commerce Act.
Limitation of Actions.
Penalties.
Railroad Commissioners.
Rates.
Street Railways.
Taxation.

CARRIERS OF GOODS.

- See Bills of Lading.*
Carriers of Freight.
Circus.
Conflict of Laws.
Connecting Carriers.
Demurrage.
Express Companies.
Fires.
Warehousemen.

Actions.

- Action for breach of contract of shipment and action ex contractu.
Southern Ry. Co. v. Rosenberg (Ala.), vol. 22, p. 418.
 Action for breach of contract to furnish cars.
Gulf, Colorado, etc., R. Co. v. Hodge (Tex.), vol. 2, p. 574.
 Action for damage to goods shipped from outside of state to point not on defendant's road.
Kerr v. Georgia R. Co. (Ga.), vol. 14, p. 837.
 Action in tort for injury to property in shipment.
Waters v. Mobile, etc., R. Co. (Miss.), vol. 6, p. 772.
 Whether tender of payment of freight must be shown.
Miami Powder Co. v. Port Royal & W. C. R. Co. (S. Car.), vol. 4, p. 426.
 Act of God, heavy dew no excuse for delay in transportation.
Missouri, etc., Ry. Co. v. Truskett (C. C. A.), vol. 19, p. 618.

CARRIERS OF GOODS—Continued.**Agency.**

Agency of officers to consignee after delivery extends only to goods rightfully shipped.

Bowers v. J. B. Worth Co. (N. Car.), vol. 22, p. 658.

Authority of local agents.

Coates v. Chicago, M. & St. P. R. Co. (S. Dak.), vol. 3, p. 426.

Authority of local agents to make contract for transportation beyond carrier's line.
Sutton v. Chicago & N. W. Ry. Co. (S. Dak.), vol. 20, p. 726.

Authority of station agent to bind company by contract to furnish cars.

Gulf, Colorado, etc., R. Co. v. Hodge (Tex.), vol. 2, p. 574.

Change of consignee by shipper's agent after consignment to principal.

Lake Shore & M. S. R. Co. v. National Live-Stock Bank (Ill.), vol. 13, p. 1.

Power of agent to release carriers from liability.

California Powder Works v. Atlantic & P. R. Co. (Cal.), vol. 4, p. 301.

Attachment.

Hamilton v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 8, p. 526.

Attachment of goods in transit.
Santa Fe Pac. R. Co. v. Boscut (N. Mex.), vol. 19, p. 683.

Carrier estopped to plead that contract for shipment of freight was ultra vires in an action to recover for its failure to carry out such contract.
Bigelow v. Chicago, B. & N. Ry. Co. (Wis.), vol. 17, p. 341.

Charges.

Liability for overcharge by conductor.

Hall v. Norfolk & Western Railroad Co. (W. Va.), vol. 8, p. 632.

Payment of freight charges advanced to connecting carrier on another shipment

CARRIERS OF GOODS—Continued.

- as condition precedent to delivery.
- Robinson v. Dover, etc., R. Co. (Ga.), vol. 8, p. 753.*
- Recovery of overcharges.
- Norfolk & Western Ry. Co. v. Pinnacle Coal Co. (W. Va.), vol. 10, p. 358.*
- Whether freight should have been paid before, action for failure to deliver will lie.
- Louisville, etc., R. Co. v. Allgood (Ala.), vol. 6, p. 771.*
- Common carrier's liability.
- Cooper v. Raleigh & G. R. Co. (Ga.), vol. 18, p. 412.*
- Consignor's right of action.
- Savannah, F. & W. Ry. Co. v. Commercial Guano Co. (Ga.), vol. 12, p. 848.*
- Contracts.**
- Contract for carriage of freight.
- Bigelow v. Chicago B. & N. Ry. Co. (Wis.), vol. 17, p. 341.*
- Contract for carriage of goods must have mutuality.
- Missouri, K. & T. Ry. Co. v. Bagley (Kan.), vol. 13, p. 259.*
- Contract for exclusive use of track by shipper void as against public policy.
- Louisville, etc., R. Co. v. Pittsburg, etc., Coal Co. (Ky.), vol. 23, p. 332.*
- Contract not to carry, to prevent competition, not allowable.
- Cumberland Tel. & Tel. Co. v. Morgan's L. & T. R. Co. (La.), vol. 13, p. 71.*
- Contract of carrier to furnish cars not unilateral where it imposes on the other party the obligation to load, inspect, and ship.
- Baxley v. Tallassee & M. R. Co. (Ala.), vol. 21, p. 170.*
- Shipper presumed to know contents of contract of shipment.
- Kellerman v. Kansas City, St. J. & C. B. Railroad Co. (Mo.), vol. 3, p. 290.*
- Verbal agreement for carriage of freight cannot be modified by subsequent written

CARRIERS OF GOODS—Continued.

- agreement after car was loaded, where shippers' attention was not called to modification.
- Stoner v. Chicago G. W. Ry. Co. (Iowa), vol. 18, p. 221.*
- What constitutes contract to carry.
- Southern Ry. Co. v. Wilcox (Va.), vol. 22, p. 260.*
- Where the evidence as to whether or not a contract of shipment was entered into was conflicting the question was properly submitted to the jury.
- Meloche v. Chicago, M. & St. P. Ry. Co. (Mich.), vol. 10, p. 82.*
- Contributory Negligence.**
- Use of defective chute by shipper in loading.
- Candee v. New York, N. H. & H. R. Co. (Conn.), vol. 21, p. 434.*
- Conversion.
- Downing v. Outerbridge (C. C. A.), vol. 10, p. 861.*
- Damages.**
- Damage by rain, liability for negligence in failing to inspect roof of car.
- Gardner v. New Orleans & N. E. R. Co. (Miss.), vol. 21, p. 865.*
- Damages not assessed in verdict.
- Louisville & N. R. Co. v. Hartwell (Ky.), vol. 4, p. 550.*
- Damages to goods through negligence of shipper.
- Pennsylvania R. Co. v. Kenwood (Ill.), vol. 9, p. 556.*
- Damages to trees from cold while in transit.
- Pierce v. Southern Pac. Co. (Cal.), vol. 10, p. 88.*
- Duty of plaintiff to lessen damages by contracting with others.
- Gulf, Colorado, etc., R. Co. v. Hodge (Tex.), vol. 2, p. 574.*
- Excessive verdict based upon supposed good pedigree of horse.
- Illinois Cent. R. Co. v. Radford (Ky.), vol. 23, p. 124.*

- CARRIERS OF GOODS—Continued.**
- Expenses incurred in seeking delayed goods.
 - Swift River Co. v. Fitchburg R. Co. (Mass.), vol. 8, p. 512.
 - Instruction as to measure of damages for injury to horse.
 - Illinois Cent. R. Co. v. Radford (Ky.), vol. 23, p. 124.
 - Measure of Damages.**
 - Gulf, Colorado, etc., R. Co. v. Hodge (Tex.), vol. 2, p. 574.
 - Delay.**
 - Illinois C. R. Co. v. Southern S. & C. Co. (Tenn.), vol. 18, p. 276.
 - Failure to deliver goods at time agreed upon.
 - Missouri Pac. R. Co. v. McGrath (Kan.), vol. 3, p. 424.
 - For failure to furnish cars according to contract.
 - Baxley v. Tallassee & M. R. Co. (Ala.), vol. 21, p. 170.
 - Gulf, Colorado, etc., R. Co. v. Hodge (Tex.), vol. 2, p. 574.
 - In action for breach of contract for carriage of goods.
 - Bigelow v. Chicago, B. & N. Ry. Co. (Wis.), vol. 17, p. 341.
 - Injury to goods by fire while negligently delayed by carrier.
 - Yazoo & M. V. R. Co. v. Millsaps (Miss.), vol. 17, p. 269.
 - Measure of damages for delay in transportation.
 - Swift River Co. v. Fitchburg R. Co. (Mass.), vol. 8, p. 512.
 - Proof of value.**
 - Louisville & N. R. Co. v. Hartwell (Ky.), vol. 4, p. 550.
 - Purchase of wearing apparel in action for loss of trunk.
 - Merrill v. Pacific Transfer Co. (Cal.), vol. 21, p. 143.
 - Sentimental value of family portraits.
 - Louisville & N. R. Co. v. Stewart (Miss.), vol. 21, p. 855.
- CARRIERS OF GOODS—Continued.**
- Statutory liability for damages.
 - St. Louis & San Francisco Railway Co. v. Bryan Fruit Co. (Kan.), vol. 2, p. 691.
 - Defenses.**
 - Gulf, Colorado, etc., R. Co. v. Hodge (Tex.), vol. 2, p. 574.
 - Defense in action for breach of contract to furnish cars.
 - Baxley v. Tallassee & M. R. Co. (Ala.), vol. 21, p. 170.
 - Delay.**
 - Consignor as plaintiff in action for delay in delivery of freight.
 - Southern Ry. Co. v. Deakins (Tenn.), vol. 23, p. 122.
 - Liability for destruction of goods resulting from delay in transportation.
 - Thomas v. Lancaster Mills of Clinton (C. C. A.), vol. 2, p. 662.
 - Liability of railroad company for delay in shipment of goods.
 - Bradley v. Chicago M. & St. P. Ry. Co. (Wis.), vol. 5, p. 40.
 - Negligent delay of carrier not proximate cause of injury to goods damaged by fire.
 - Yazoo & M. V. R. Co. v. Millsaps (Miss.), vol. 17, p. 269.
 - Opinion evidence as to condition of freight delayed in transportation.
 - Illinois Cent. R. Co. v. Foulks (Ill.), vol. 23, p. 664.
 - Special damages for delay in transportation.
 - Missouri, K. & T. Ry. Co. of Texas v. Belcher (Tex.), vol. 3, p. 498.
 - Sufficiency of evidence of damage from delay in delivery of freight.
 - Southern Ry. Co. v. Deakins (Tenn.), vol. 23, p. 122.
 - Texas statute providing penalty for delay in delivery of certain freight in conflict with interstate commerce acts.
 - St. Louis S. W. R. Co. v. Carden (Tex.), vol. 3, p. 448.

CARRIERS OF GOODS—Continued.

Time tables as notice to shipper of delays.

Burns *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 17, p. 290.

Delivery by Carrier.

Bowers *v.* J. B. Worth Co. (N. Car.), vol. 22, p. 658.

Dixon *v.* Central of Georgia Ry. Co. (Ga.), vol. 17, p. 380.

Agent of consignee.

Central Railroad & Banking Co. *v.* Cooper (Ga.), vol. 2, p. 688.

At flag station.

Allan *v.* Pennsylvania R. Co. (Pa.), vol. 10, p. 347.

Bill of lading as conclusive evidence of, under Mississippi Code, in action by carrier to recover over on indemnity policy.

Illinois Cent. R. Co. *v.* Lancashire Ins. Co. (Miss.), vol. 21, p. 840.

Constructions of shipping contract.

Roy *v.* Griffin (Wash.), vol. 22, p. 596.

Failure to deliver goods, effect of previous action against another party.

Louisville, etc., R. Co. *v.* Bernheim (Ala.), vol. 8, p. 754.

Liability, because of promise of agent, for delay in delivery of freight.

Southern Ry. Co. *v.* Deakins (Tenn.), vol. 23, p. 122.

Liability for delivering to wrong party, construction of contract.

Germain Fruit Co. *v.* California S. R. Co. (Cal.), vol. 22, p. 362.

Liability of carrier where goods are refused by consignee.

American Sugar Refining Co. *v.* McGhee (Ga.), vol. 2, p. 697.

Of goods by carrier.

Ratzer *v.* Burlington, C. R. & N. Ry. Co. (Minn.), vol. 4, p. 55.

Of goods to holder of bill of lading.

Commercial Bank *v.* Chicago, etc., R. Co. (Ill.), vol. 4, p. 263.

CARRIERS OF GOODS—Continued.

Of portion of consignment does not operate as delivery of the whole.

Jeffris *v.* Fitchburg R. Co. (Wis.), vol. 4, p. 608.

Proper point of delivery, question for jury.

Louisville, etc., R. Co. *v.* Bernheim (Ala.), vol. 8, p. 754.

Reasonable time for removal of goods.

Tallassee Falls Mfg. Co. *v.* Western Ry. of Alabama (Ala.), vol. 20, p. 455.

Reasonable time for removal of goods, question of law or fact.

Berry *v.* West Virginia & P. R. Co. (W. Va.), vol. 11, p. 103.

Refusal to deliver.

Alabama Mid. Ry. Co. *v.* Darby (Ala.), vol. 13, p. 105.

Right of consignor to make delivery of goods conditional.

Louisville & N. R. Co. *v.* Hartwell (Ky.), vol. 4, p. 550.

Storage on uncovered platform.

Central Railroad & Banking Co. *v.* Cooper (Ga.), vol. 2, p. 688.

Termination of liability.

Missouri Pac. Ry. Co. *v.* Wichita Wholesale Grocery Co. (Kan.), vol. 2, p. 560.

Welch *v.* Concord R. R. (N. H.), vol. 16, p. 830.

Title to goods passing with delivery to carrier.

Hunter *v.* Randolph (N. Car.), vol. 22, p. 79.

To broker of consignor.

American Sugar Refining Co. *v.* McGhee (Ga.), vol. 2, p. 697.

To real owner.

Thomas *v.* Northern Pac. Exp. Co. (Minn.), vol. 11, p. 121.

Validity of sale of goods to carrier for freight before delivery.

Wheeling & L. E. Co. *v.* Koontz (Ohio), vol. 16, p. 827.

CARRIERS OF GOODS—Continued.

What constitutes.

Central Railroad & Banking
Co. *v.* Cooper (Ga.), vol.
2, p. 688.

Tate *v.* Yazoo & M. V. R.
Co. (Miss.), vol. 20, p.
461.

Without requiring surrender
of bill of lading.

Witt *v.* East Tennessee &
W. N. C. R. Co. (Tenn.)
vol. 8, p. 380.

Wrongful delivery by con-
necting carrier.

Illinois Cent. R. Co. *v.*
Carter (Ill.), vol. 8, p.
485.

Delivery to Carrier.

Cattle placed in railroad
stock pens not delivered
until received by carrier.

Kansas City P. & G. R.
Co. *v.* Barnett (Ark.),
vol. 22, p. 81.

Cotton on carrier's wharf
awaiting transportation by
steam boat company is in
carrier's "actual custody."
Texas & P. Ry. Co. *v.* Clay-
ton (U. S.), vol. 13, p.
236.

Effect of delay in delivery to
carrier partially caused by
its fault in making over-
charges.

Southern Ry. Co. *v.* Wilcox
(Va.), vol. 22, p. 260.

Freight on platform presumed
to be in carrier's custody.

Kird *v.* New Orleans, etc.,
R. Co. (La.), vol. 20, p.
930.

Reasonable time of delivery
to carrier.

Southern Ry. Co. *v.* Wilcox
(Va.), vol. 22, p. 260.

Where goods properly marked
are placed inside of defend-
ant's freight depot for
immediate shipment, and
defendant's agents agree to
ship them on the following
morning, defendant is li-
able as a common carrier.

Meloche *v.* Chicago, M. &
St. P. Ry. Co. (Mich.),
vol. 10, p. 82.

Demurrage.

Carrier's lien.

Swan *v.* Louisville & N. R.
Co. (Tenn.), vol. 20, p.
446.

CARRIERS OF GOODS—Continued.

Destruction of property at
place of transshipment.

Thomas *v.* Lancaster Mills
of Clinton (C. C. A.),
vol. 2, p. 662.

Detention of cars.

Kentucky Wagon Mfg. Co.
v. Ohio & Mississippi
Railroad Co. (Ky.), vol. 2,
p. 722.

Detention of cars by another
road.

Kentucky Wagon Mfg. Co.
v. Ohio & Mississippi
Railroad Co. (Ky.), vol.
2, p. 722.

Reasonable charge for deten-
tion of cars.

Kentucky Wagon Mfg. Co.
v. Ohio & Mississippi
Railroad Co. (Ky.), vol.
2, p. 722.

Reasonableness of stipulation.

Swan *v.* Louisville & N. R.
Co. (Tenn.), vol. 20, p.
446.

Right of company to collect
demurrage for cars belong-
ing to another company.

Kentucky Wagon Mfg. Co.
v. Ohio & Mississippi
Railroad Co. (Ky.), vol.
2, p. 722.

Rule fixing rate of demurrage.

Kentucky Wagon Mfg. Co.
v. Ohio & Mississippi
Railroad Co. (Ky.), vol.
2, p. 722.

Sufficiency of notice of ar-
rival of cars to fix liability
of shipper for demurrage.

Galveston, Harrisburg, etc.,
R. Co. *v.* Hunt (Tex.),
vol. 2, p. 731.

Discrimination.

Against connecting carrier
in issuing through bill of
lading.

State *v.* Wrightsville & T.
R. Co. (Ga.), vol. 11, p.
576.

Constitutional law.

State *v.* Texas & P. Ry.
Co. (La.), vol. 18, p. 399.

Constitution and statute of
Kentucky prohibiting
greater charge for short
than for long haul not in
conflict with federal con-
stitution or statutes.

Illinois Cent. R. Co. *v.*
Commonwealth (Ky.),
vol. 22, p. 356.

CARRIERS OF GOODS—Continued.

Discrimination not warranted by competition, under provision of Kentucky constitution.

Hutcheson v. Louisville & N. R. Co. (Ky.), vol. 18, p. 293.

Equality of conditions as affecting.

Louisville & N. R. Co. v. Commonwealth (Ky.), vol. 18, p. 297.

Kentucky Const., sec. 218, prohibiting the charging of more for short than long haul, not applicable where short haul originates on branch line and long haul is altogether on main line.

Louisville & N. R. Co. v. Walker (Ky.), vol. 21, p. 473.

Liability for charging more for long than short haul.

Louisville & N. R. Co. v. Walker (Ky.), vol. 21, p. 473.

Liability to indictment for charging more for short than long haul.

Illinois Cent. R. Co. v. Commonwealth (Ky.), vol. 22, p. 356.

Mandamus to compel carrier to grant equal facilities.

State v. Texas & P. Ry. Co. (La.), vol. 18, p. 399.

Presumption that shipper is damaged by a higher charge for a short than a long haul.

Louisville & N. R. Co. v. Walker (Ky.), vol. 21, p. 473.

Prosecution for.

Louisville & N. R. Co. v. Commonwealth (Ky.), vol. 18, p. 297.

Recommendation of railroad commissioner as prerequisite to indictment.

Com. v. Louisville & N. R. Co. (Ky.), vol. 23, p. 936.

Recovery cannot be had for loss of goods under contract of shipment providing for unlawful discrimination.

Church v. Minneapolis & St. L. Ry. Co. (S. Dak.), vol. 21, p. 382.

Recovery for overcharge.

Murray v. Chicago & N. W. Ry. Co. (C. C. A.), vol. 13, p. 278.

CARRIERS OF GOODS—Continued.

Remedies for.

Hutcheson v. Louisville & N. R. Co. (Ky.), vol. 18, p. 293.

Under Ky. St. sec. 820, recommendation of railroad commission necessary to indictment of carrier for charging more for short than long haul.

Illinois Cent. R. Co. v. Commonwealth (Ky.), vol. 23, p. 326.

Duty of carrier, instructions.

Hinton v. Eastern Ry. Co. of Minnesota (Minn.), vol. 11, p. 125.

Duty of consignee to receive freight which has been slightly damaged in transportation.

Corso v. New Orleans & N. E. R. Co. (La.), vol. 5, p. 43.

Duty of consignee to remove goods in reasonable time.

Berry v. West Virginia & P. R. Co. (W. Va.), vol. 11, p. 103.

Duty of railroad to maintain wagonway to freight yard.

Curtis v. DeCoursey (Pa.), vol. 5, p. 416.

Duty to Furnish Facilities.

Frostburg Mining Co. v. Cumberland & Pennsylvania R. Co. (Md.), vol. 2, p. 568.

Gulf, Colorado, etc., R. Co. v. Hodge (Tex.), vol. 2, p. 574.

State v. Texas & P. Ry. Co. (La.), vol. 18, p. 399.

Duty to furnish cars.

Gulf, Colorado, etc., R. Co. v. Hodge (Tex.), vol. 2, p. 574.

Failure to furnish cars.

Gulf, Colorado, etc., R. Co. v. Hodge (Tex.), vol. 2, p. 574.

Failure to furnish suitable refrigerator cars.

Chicago & Alton R. Co. v. Davis (Ill.), vol. 2, p. 581.

Louisville & N. R. Co. v. Queen City Coal Co. (Ky.), vol. 4, p. 389.

Issues in action for breach of contract to furnish cars.

Baxley v. Tallassee & M. R. Co. (Ala.), vol. 21, p. 170.

CARRIERS OF GOODS—Continued.

- Lessee of railroad must provide for transportation of freight.
- People, Cantrell *v.* St. Louis, A. & T. H. R. Co. (Ill.), vol. 12, p. 227.
- Right of company to refuse carriage facilities to competing telegraph line.
- Mercantile T. Co. *v.* Atlantic & P. R. Co. (U. S.), vol. 1, p. 683.
- Station agent's authority to bind company by contract to furnish cars.
- Gulf, Colorado, etc., R. Co. *v.* Hodge (Tex.), vol. 2, p. 574.
- Sufficiency of complainant in action for failure to furnish car.
- St. Louis, etc., Ry. Co. *v.* Lee (Ark.), vol. 23, p. 320.
- What constitutes reasonable facilities.
- Frostburg Mining Co. *v.* Cumberland & Pa. R. Co. (Md.), vol. 2, p. 568.
- Duty to receive and transport goods.
- Fremont, etc., R. Co. *v.* Waters (Neb.), vol. 8, p. 753.
- Duty to receive foreign cars.
- Chicago, etc., R. Co. *v.* Curtis (Neb.), vol. 8, p. 753.
- Equity jurisdiction as to combinations between them.
- Post *v.* Southern Ry. Co. (Tenn.), vol. 16, p. 201.
- Evidence.**
 - As to traffic agreements.
 - Post *v.* Southern Ry. Co. (Tenn.), vol. 16, p. 201.
 - Burden of proof on carrier to show absence where goods were not delivered.
 - Mouton *v.* Louisville & N. R. Co. (Ala.), vol. 20, p. 673.
 - Burden of proof on carriers to show that loss by fire was not caused by negligence, where right of contract is controlled by common law.
 - Texas & P. Ry. Co. *v.* Richmond (Tex.), vol. 21, p. 847.
 - Of approval of rates by in-

CARRIERS OF GOODS—Continued.

- terstate commerce commission.
- Mouton *v.* Louisville & N. R. Co. (Ala.), vol. 20, p. 673.
- Res inter alios acta not admissible in action for breach of contract to carry.
- Southern Ry. Co. *v.* Wilcox (Va.), vol. 22, p. 260.
- Statutory penalty for charging excessive fare, evidence of distance between two stations, mile posts.
- Little Rock & Ft. S. R. Co. *v.* Wells (Ark.), vol. 3, p. 427.
- Exoneration by railroad commission from operation of law prohibiting the charging of more for short than a long haul.
- Louisville & N. R. Co. *v.* Van Cleave (Ky.), vol. 21, p. 477.
- Explosives.**
 - Release of carrier's liability by agent.
 - California Powder Works *v.* Atlantic & P. R. Co. (Cal.), vol. 4, p. 301.
- Express Companies.**
 - Express companies may compel shipper to affix revenue stamp.
 - American Exp. Co. *v.* Maynard, Atty. Gen. (U. S.), vol. 17, p. 530.
 - Mandamus to compel carrier to affix revenue stamp.
 - American Exp. Co. *v.* Maynard, Atty. Gen. (U. S.), vol. 17, p. 530.
- Misdelivery.**
 - Oskamp *v.* Southern Exp. Co. (Ohio), vol. 17, p. 334.
- Fires.**
 - Fires, liability of carrier for loss of freight by fire.
 - Hernsheim *v.* Newport News, etc., Co. (Ky.), vol. 6, p. 772.
 - Fires, loss by fire through failure to ship.
 - Louisville & N. R. Co. *v.* Gidley (Ala.), vol. 13, p. 214.
 - Fires, statutory liability for loss of goods by fire.
 - Walker *v.* Eikleberry (Okla.), vol. 13, p. 253.

CARRIERS OF GOODS—Continued.

Statute making railroad absolutely liable for losses caused by fires set by engines not applicable to loss of goods burned in freight house.

Welch *v.* Concord R. R. (N. H.), vol. 16, p. 830.

Foreign cars do not alter carrier's liability.

Cincinnati, N. O. & T. P. Ry. Co. *v.* N. K. Fairbanks & Co. (C. C. A.), vol. 13, p. 179.

Forwarder.

Taylor *v.* Maine Central Railroad Co. (Me.), vol. 2, p. 614.

Garnishment, effect of after delivery to carrier.

Baldwin *v.* Great Northern Ry. Co. (Minn.), vol. 19, p. 202.

Goods, title passing with delivery to carrier.

Hunter *v.* Randolph (N. Car.), vol. 22, p. 79.

Insurance.

Question for jury whether loan or payment on account of insurance.

Roos *v.* Philadelphia, W. & B. R. Co. (Pa.), vol. 21, p. 856.

Validity of stipulation purporting to give carrier benefit of insurance.

Roos *v.* Philadelphia, W. & B. R. Co. (Pa.), vol. 21, p. 856.

Intoxicating Liquors.

Southern Exp. Co. *v.* State (Ga.), vol. 16, p. 179.

Liability of carrier where intoxicating liquors are seized and destroyed under police regulations.

St. Louis S. W. Ry. Co. *v.* Gans (Ark.), vol. 21, p. 498.

Invoice cost.

Pierce *v.* Southern Pac. Co. (Cal.), vol. 7, p. 564.

Jurisdiction of action to recover excess of freight charges.

Conn *v.* Louisville & N. R. Co. (Ky.), vol. 15, p. 838.

Liability for breach of contract to carry goods in bond.

Smith Bros. & Co. *v.* New Orleans, etc., R. Co. (La.), vol. 22, p. 419.

CARRIERS OF GOODS—Continued.

Liability for damage caused by failure to properly ice refrigerator cars.

New York, P. & N. R. Co. *v.* Cromwell (Va.), vol. 17, p. 328.

Liability for injury to ice company's employee caused by ice and snow on roof of car he was loading.

Baker *v.* Louisville & N. Terminal Co. (Tenn.), vol. 20, p. 946.

Liability of carrier.

Pennsylvania Co. *v.* Kenwood (Ill.), vol. 9, p. 556.

Liability of carrier for injury to cotton in compress.

Amory Mfg. Co. *v.* Gulf, C. & S. P. Ry. Co. (Tex.), vol. 8, p. 472.

Liability of carrier for loss of goods on its wharf while awaiting transportation by steamboat company is that of common carrier, not warehouseman.

Texas & P. Ry. Co. *v.* Clayton (U. S.), vol. 13, p. 236.

Liability of carrier who being aware of nature of goods shipped, and that cold was injurious to them, shipped them by northern route.

Pierce *v.* Southern Pac. Co. (Cal.), vol. 7, p. 564.

Liability of railroad company for personal injuries received by employee of mill owner while loading defective car.

Savannah, etc., R. Co. *v.* Booth (Ga.), vol. 5, p. 612.

Liability of railroad company which furnishes a defective car.

Savannah, etc., R. Co. *v.* Booth (Ga.), vol. 5, p. 612.

Lien for freight.

Pennsylvania Steel Co. *v.* Georgia Railroad & Banking Co. (Ga.), vol. 2, p. 685.

Limiting Liability.

Burgher *v.* Chicago, R. I. & P. R. Co. (Iowa), vol. 11, p. 130.

Cox *v.* Vermont Cent. R. Co. (Mass.), vol. 9, p. 591.

Grieve *v.* Illinois Cent. R. Co. (Iowa), vol. 9, p. 669.

St. Louis S. F. Ry. Co. *v.* Sherlock (Kan.), vol. 9, p. 462.

CARRIERS OF GOODS—Continued.

A carrier is not relieved from liability under a contract that he shall not be responsible for negligence, of himself or his servants, such contract being contrary to public policy.

Pierce v. Southern Pac. Co.
(Cal.), vol. 7, p. 564.

Assent of shipper to clause of bill of lading limiting liability by agreement as to value of shipment.

Ullman v. Chicago & N. W. Ry. Co. (Wis.), vol. 23, p. 782.

Burden of proof.

Hinton v. Eastern Ry. Co. of Minnesota (Minn.), vol. 11, p. 125.

Burden of proof to show reasonableness of agreement fixing value of goods.

Gardner v. Southern Ry. Co. (N. Car.), vol. 20, p. 83.

Burden on carrier to show due care.

Louisville & N. R. Co. v. Gidley (Ala.), vol. 13, p. 214.

By agreement as to value of shipment.

Ullman v. Chicago & N. W. Ry. Co. (Wis.), vol. 23, p. 782.

Carrier exempted from loss of goods by fire is not required to keep sufficient watch to preserve goods against loss by fire.

Louisville & N. R. Co. v. Gidley (Ala.), vol. 13, p. 214.

Consideration.

Mannheim Ins. Co. v. Erie & W. Transp. Co. (Minn.), vol. 13, p. 161.

Consideration necessary to render limitation valid.

Richardson v. Chicago & A. Ry. Co. (Mo.), vol. 13, p. 170.

Consignor as consignee's agent in making contract of shipment.

Mouton v. Louisville & N. R. Co. (Ala.), vol. 20, p. 673.

Constitutional provision that

CARRIERS OF GOODS—Continued.

liability shall not be limited.

Miller Grain & Elevator Co. v. Union Pac. Ry. Co.
(Mo.), vol. 8, p. 1.

Contract exempting carrier from liability for loss by fire, burden on carrier to show that fire was not due to its negligence.

Newberger Cotton Co. v. Illinois Cent. R. Co.
(Miss.), vol. 10, p. 334.

Effect of arbitrary clause on validity of limitation.

Ullman v. Chicago & N. W. Ry. Co. (Wis.), vol. 23, p. 782.

Effect of void negligence clause or other limiting clauses.

Ullman v. Chicago & N. W. Ry. Co. (Wis.), vol. 23, p. 782.

Exemption from liability for fire from any cause whatever was not void.

California Powder Works v. Atlantic & P. R. Co.
(Cal.), vol. 4, p. 301.

Exemption from liability for loss resulting from negligence.

Thomas v. Lancaster Mills of Clinton (C. C. A.), vol. 2, p. 662.

Intention of party must clearly appear from agreement.

Gardner v. Southern Ry. Co. (N. Car.), vol. 20, p. 83.

Lack of consideration.

Illinois Cent. R. Co. v. Lancashire Ins. Co. (Miss.), vol. 21, p. 840.

Liability for failure to deliver.

Illinois C. R. Co. v. Bogard (Miss.), vol. 18, p. 410.

Limitation of liability.

Cooper v. Raleigh & G. R. Co. (Ga.), vol. 18, p. 412.

Illinois C. R. Co. v. Bogard (Miss.), vol. 18, p. 410.

Limitation of liability as to carriage of express matter.

Pittsburgh, C., C. & St. L. Ry. Co. v. Mahony
(Ind.), vol. 8, p. 441.

CARRIERS OF GOODS—*Con-*

tinued.
Limitation of liability by common carrier.

Central of Georgia Ry. Co. *v.* Lippman (Ga.), vol. 18, p. 640.

Limitation of liability for damages occurring upon company's own lines.

Gulf, C. & S. F. R. Co. *v.* Crossman (Tex. Civ. App.), vol. 3, p. 425.

Illinois Cent. R. Co. *v.* Carter (Ill.), vol. 8, p. 485.

Miller *v.* Union Pac. R. Co. (Mo.), vol. 8, p. 1.

Limitation of liability for loss of goods by fire does not apply where there is reasonable inference that goods were stolen and the car afterwards burned.

Merchants' Dispatch Trans. Co. *v.* Hoskins (Ky.), vol. 11, p. 832.

Limitation of liability for negligence.

Illinois C. R. Co. *v.* Southern S. & C. Co. (Tenn.), vol. 18, p. 276.

Limitation of liability to a fixed value.

Pierce *v.* Southern Pac. Co. (Cal.), vol. 7, p. 564.

Limitation requiring notice of claim construed.

St. Louis, I. M. & S. Ry. Co. *v.* Law (Ark.), vol. 18, p. 286.

Limiting amount of damages to be paid in consequence of loss through carrier's negligence.

Kellerman *v.* Kansas City, St. J. & C. B. R. Co. (Mo.), vol. 3, p. 290.

Limiting time within which claim for loss may be made.

Cox *v.* Vermont Cent. R. Co. (Mass.), vol. 9, p. 591.

Dixie Cigar Co. *v.* Southern Exp. Co. (N. Car.), vol. 10, p. 863.

Texas & P. Ry. Co. *v.* Reeves (Tex.), vol. 8, p. 429.

Meaning of "accident" in bill of lading.

Ullman *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 23, p. 782.

tinued.
Negligence.

Ullman *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 23, p. 782.

Obligation to read receipt for trunk limiting liability.

Merrill *v.* Pacific Transfer Co. (Cal.), vol. 21, p. 143.

Power to limit liability for negligence.

Gardner *v.* Southern Ry. Co. (N. Car.), vol. 20, p. 82.

Presumption as to law of another state.

Pierce *v.* Southern Pac. Co. (Cal.), vol. 10, p. 88.

Provision of bill of lading limiting liability by agreement as to value of shipment construed as referring to loss by negligence.

Ullman *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 23, p. 782.

Provision that goods be delivered on certain platform where there is no protection from weather, should be at shipper's risk.

Allan *v.* Pennsylvania R. Co. (Pa.), vol. 10, p. 347.

Reduced rates as consideration.

Mouton *v.* Louisville & N. R. Co. (Ala.), vol. 20, p. 673.

Reduced valuation as consideration for reduced rate.

Ward *v.* Missouri Pac. Ry. Co. (Mo.), vol. 19, p. 30.

Reduced valuation clause.

Gardner *v.* Southern Ry. Co. (N. Car.), vol. 20, p. 83.

Reduced valuation clause requires a consideration.

Ward *v.* Missouri Pac. Ry. Co. (Mo.), vol. 19, p. 30.

Right in general.

Chicago, Milwaukee, etc., R. Co. *v.* Wallace (C. C. A.), vol. 2, p. 651.

Statutory prohibition not applicable to interstate shipments.

Texas & P. Ry. Co. *v.* Richmond (Tex.), vol. 21, p. 847.

CARRIERS OF GOODS—Continued.

- Stipulation of shipping contract limiting time for bringing action invalid.
Richardson v. Chicago & A. Ry. Co. (Mo.), vol. 13, p. 170.
- Validity of agreement fixing value of shipment.
Central of Georgia Ry. Co. v. Murphey (Ga.), vol. 21, p. 555.
- Gardner v. Southern Ry. Co. (N. Car.)*, vol. 20, p. 82.
- Validity of clause in bill of lading limiting liability.
Berry v. West Virginia & P. R. Co. (W. Va.), vol. 11, p. 103.
- Validity of illegal contract limiting value of freight as affected by fraud of shipper.
Lucas v. Burlington, etc., Ry. Co. (Iowa), vol. 20, p. 366.
- Validity of reduced valuation clause for which no special consideration was shown.
Gardner v. Southern Ry. Co. (N. Car.), vol. 20, p. 82.
- Want of consideration where carrier limits his liability for negligence to certain amount.
Kellerman v. Kansas City, St. J. & C. B. Railroad Co. (Mo.), vol. 3, p. 290.
- Loss of goods in an action on a special contract of shipment to recover the value of two bales of cotton alleged to have been lost by defendant; plaintiff must show, there having been many shipments, out of which shipment it was lost.
Illinois Cent. R. Co. v. Gross (Miss.), vol. 10, p. 356.
- Mandamus to compel carriage.
Cumberland Tel. & Tel. Co. v. Morgan's L. & T. R. Co. (La.), vol. 13, p. 71.
- Merchandise, title passing with delivery to carrier.
Hunter v. Randolph (N. Car.), vol. 22, p. 79.
- Misdelivery.
Hamilton v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 8, p. 526.

CARRIERS OF GOODS—Continued.

- Misshipment of consignment by carrier, liability for injuries to same on other roads.
Brown & Haywood Co. v. Pennsylvania Co. (Minn.), vol. 2, p. 640.
- Mistake, recovery of goods delivered through mistake.
Walker v. Louisville & N. R. Co. (Ala.), vol. 4, p. 658.
- Negligence in failing to extinguish fire, question for jury in action for failure to deliver goods.
Mouton v. Louisville & N. R. Co. (Ala.), vol. 20, p. 673.
- Notice.**
- Burden of proof where carrier relies on failure to give notice of claim.
Ward v. Missouri Pac. Ry. Co. (Mo.), vol. 19, p. 30.
- Duty to notify consignee of arrival of goods.
Berry v. West Virginia & P. R. Co. (W. Va.), vol. 11, p. 103.
- Failure to give notice of claim for loss no defense where harmless.
Ward v. Missouri Pac. Ry. Co. (Mo.), vol. 19, p. 30.
- Failure to notify consignee.
Alabama Mid. Ry. Co. v. Darby (Ala.), vol. 13, p. 105.
- Knowledge of drayman of arrival of goods not notice to consignee.
Berry v. West Virginia & P. R. Co. (W. Va.), vol. 11, p. 103.
- Notice of loss provision not enforceable where conduct of carrier renders the giving of notice impracticable.
Richardson v. Chicago & A. Ry. Co. (Mo.), vol. 13, p. 170.
- Notice to agent as notice to corporation.
Missouri, K. & T. R. Co. of Texas v. Belcher (Tex.), vol. 3, p. 498.
- Of character of goods shipped where there is delay in shipment by a railroad company.
Bradley v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 5, p. 40.

- CARRIERS OF GOODS—Continued.**
- Sufficiency of notice of claim.
 St. Louis & San Francisco Ry. Co. *v.* Bryan Fruit Co. (Kan.), vol. 2, p. 691.
- To bailor of delivery of goods to real owner.
 Thomas *v.* Northern Pac. Exp. Co. (Minn.), vol. 11, p. 121.
- Waiver of stipulation requiring notice of claim to be given in certain time.
 Illinois C. R. Co. *v.* Bogard (Miss.), vol. 18, p. 410.
- Parties.**
- Proper plaintiff in action for injury to freight.
 Waters *v.* Mobile, etc., R. Co. (Miss.), vol. 6, pp. 771-772.
- Proper plaintiff in action to deliver:
 Louisville, etc., Co. *v.* Allgood (Ala.), vol. 6, p. 771.
- Right of consignor retaining special title to sue for damages resulting from delay.
 Spence *v.* Norfolk & Western R. Co. (Va.), vol. 2, p. 708.
- Right of consignor to maintain an action for failure to deliver.
 Union Pac. R. Co. *v.* Metcalf (Neb.), vol. 7, p. 768.
- When consignor may sue.
 Spence *v.* Norfolk & Western R. Co. (Va.), vol. 2, p. 708.
- Pleading.**
- A count of the declaration in an action to recover the value of goods destroyed through the alleged negligence of a common carrier, which alleges both a consideration and a promise, is one *ex contractu* and not *ex delicto*.
 Tallassee Falls Mfg. Co. *v.* Western Ry. of Alabama (Ala.), vol. 10, p. 339.
- Allegation of acceptance before offer to carrier was withdrawn.
 Southern Ry. Co. *v.* Wilcox (Va.), vol. 22, p. 260.
- Construction of allegation that delivery was according to agreement.
 Southern Ry. Co. *v.* Wilcox (Va.), vol. 22, p. 260.
- Failure to allege plaintiff's ownership, or that he was the party with whom contract of shipment was made.
 United States Mail Line Co. *v.* Corrollton Furniture Mfg. Co. (Ky.), vol. 9, p. 286.
- In action for injury to property in shipment.
 Southern Pac. Co. *v.* Arnett (C. C. A.), vol. 23, p. 794.
- Injury to goods, sufficiency of complaint.
 Lang *v.* Brady (Conn.), vol. 21, p. 843.
- Injury to goods, whether necessary to allege particular acts of negligence.
 Lang *v.* Brady (Conn.), vol. 21, p. 843.
- Sufficiency of complaint in action for loss of trunk.
 Merrill *v.* Pacific Transfer Co. (Cal.), vol. 21, p. 143.
- Power of railroad commission to compel carrier to contract for transportation beyond its terminus.
 State *v.* Wrightsville & T. R. Co. (Ga.), vol. 11, p. 576.
- Presumption as to ownership of goods delivered conditionally.
 Louisville & N. R. Co. *v.* Hartwell (Ky.), vol. 4, p. 550.
- Private Carrier.**
- Circus, railroad acting as private carrier in transporting.
 Chicago, Milwaukee, etc., R. Co. *v.* Wallace (C. C. A.), vol. 2, p. 651.
- Proper loading of car question for jury.
 Keating *v.* Detroit, B. C. & A. R. Co. (Mich.), vol. 2, p. 386.
- Proof of condition of goods.
 Miami Powder Co. *v.* Port Royal & W. C. R. Co. (S. Car.), vol. 4, p. 426.
- Rates.**
- Agreement as to regular tariff rates.
 Kellerman *v.* Kansas City, St. J. & C. B. Railroad Co. (Mo.), vol. 3, p. 290.
- Applicability of Iowa statute prohibiting extortion and discrimination in joint freight rates.
 Blair *v.* Sioux City & P. Ry. Co. (Iowa), vol. 17, p. 363.

CARRIERS OF GOODS—*Continued.*

Competition as circumstance warranting discrimination between long and short hauls.

Louisville & N. R. Co. *v.* Commonwealth (Ky.), vol. 15, p. 841.

Fixing rates.

Mannheim Ins. Co. *v.* Evie & W. Transp. Co. (Minn.), vol. 13, p. 161.

In the absence of legislative enactment a justice of the peace has no authority to determine the rate of freight charges of a railroad corporation.

Norfolk & Western Ry. Co. *v.* Pinnacle Coal Co. (W. Va.), vol. 10, p. 358.

Liability of railroad company for overcharges.

Missouri Pac. Ry. Co. *v.* Crowell Lumber & Grain Co. (Neb.), vol. 7, p. 223.

Mode of determining reasonableness of.

Chicago, M. & St. P. Ry. Co. *v.* Tompkins (U. S.), vol. 17, p. 349.

One executing contract with city cannot claim benefit of reduced rate granted city.

Dixon *v.* Central of Georgia Ry. Co. (Ga.), vol. 17, p. 380.

Railroad commission is proper tribunal for presenting claim that competition requires discrimination in rates.

Louisville & N. R. Co. *v.* Commonwealth (Ky.), vol. 15, p. 841.

Reasonableness of rates.

Mannheim Ins. Co. *v.* Erie & W. Transp. Co. (Minn.), vol. 13, p. 161.

Right to charge higher rates than those fixed by railroad commissioners.

Mississippi Railroad Commission *v.* Gulf & S. I. R. Co. (Miss.), vol. 21, p. 864.

Schedule of freight rates.

Kellerman *v.* Kansas City, St. J. & C. B. Railroad Co. (Mo.), vol. 3, p. 290.

Rebates.

Discrimination.

Baltimore & O. R. Co. *v.* Diamond Coal Co. (Ohio), vol. 16, p. 232.

CARRIERS OF GOODS—*Continued.*

Right to recover.

Baltimore & O. R. Co. *v.* Diamond Coal Co. (Ohio), vol. 16, p. 232.

Refrigerator cars.

Chicago & Alton Railroad Co. *v.* Davis (Ill.), vol. 2, p. 581.

Refrigerator cars, liability of carrier for damage to freight caused by failure to properly ice refrigerator cars.

New York, P. & N. R. Co. *v.* Cromwell (Va.), vol. 17, p. 328.

Regulation that capacity of tank cars shall be estimated at 40,000 pounds.

Coates *v.* Chicago, M. & St. P. R. Co. (S. Dak.), vol. 3, p. 426.

Restriction in lease as to receiving and shipping freight did not render contract void as against public policy.

Central of Ga. Ry. Co. *v.* Black (Ga.), vol. 23, p. 864.

Revenue Tax.

Carrier cannot compel payment by shipper by increasing rates.

Atty. Gen., Moore *v.* American Exp. Co. (Mich.), vol. 13, p. 95.

Custom duties.

Mitchelson *v.* Minneapolis, etc., R. Co. (Minn.), vol. 7, p. 768.

Mandamus to compel carriage of goods where shipper refuses to pay for revenue stamp.

Atty. Gen., Moore *v.* American Exp. Co. (Mich.), vol. 13, p. 95.

Revenue stamp, federal jurisdiction where carrier prohibited from adding cost of to maximum rates fixed by state railroad commission. Trammell *v.* Dinsmore (C. C. A.), vol. 19, p. 468.

Revenue stamps payable by shipper.

Crawford *v.* Hubbell (C. C. N. Y.), vol. 13, p. 92.

Stamp must be affixed by carrier.

Atty. Gen., Moore *v.* American Exp. Co. (Mich.), vol. 13, p. 95.

CARRIERS OF GOODS—Continued.

Right to mandatory injunction to compel railroad company to stand cars to be loaded in street in front of shipper's property.

Louisville, etc., *R. Co. v. Pittsburg, etc., Coal Co. (Ky.)*, vol. 23, p. 332.

Shipping receipts obtained after shipment with different consignee named do not entitle holder to recover for failure to carry and deliver in accordance with terms of such receipts.

Lake Shore & M. S. R. Co. *v. National Live Stock Bank (Ill.)*, vol. 13, p. 1.

Stoppage in Transitu.

Jeffris *v. Fitchburg R. Co. (Wis.)*, vol. 4, p. 608.

Delivery.

Wheeling & L. E. R. Co. *v. Koontz (Ohio)*, vol. 16, p. 827.

End of transit.

Brewer Lumber Co. *v. Boston & A. R. Co. (Mass.)*, vol. 21, p. 548.

Exercise of right where notes are tendered back.

Brewer Lumber Co. *v. Boston & A. R. Co. (Mass.)*, vol. 21, p. 548.

Right exists against purchaser from consignee where goods were sold on credit by consignor.

Branan *v. Atlanta & W. P. R. Co. (Ga.)*, vol. 16, p. 237.

Storage of goods by direction of consignee, sufficiency of evidence.

Brewer Lumber Co. *v. Boston & A. R. Co. (Mass.)*, vol. 21, p. 548.

Whether acceptance of notes constituted payment.

Brewer Lumber Co. *v. Boston & A. R. Co. (Mass.)*, vol. 21, p. 548.

Tender of goods as bar to recovery for misdelivery.

Hamilton *v. Chicago, M. & St. P. Ry. Co. (Iowa)*, vol. 8, p. 526.

Title passing with delivery to carrier.

Hunter *v. Randolph (N. Car.)*, vol. 22, p. 79.

Traffic agreement as partner-

CARRIERS OF GOODS—Continued.

ship.

Post *v. Southern Ry. Co. (Tenn.)*, vol. 16, p. 201.

Transfer of defective car.

Pennsylvania R. Co. *v. Snyder (Ohio)*, vol. 7, pp. 768, 769.

Transportation service and transfer service distinguished.

Dixon *v. Central of Georgia Ry. Co. (Ga.)*, vol. 17, p. 380.

Trover and conversion.

Baker *v. Chicago, etc., Ry. Co. (Iowa)*, vol. 6, p. 772.

Usages and Customs.

Effect of usages and customs upon carrier's liability.

Meloche *v. Chicago, M. & St. P. Ry. Co. (Mich.)*, vol. 10, p. 82.

Venue of action where goods are injured in transit.

Texas & P. Ry. Co. *v. Hornbeck (Tex.)*, vol. 9, p. 238.

Warehousemen.

Berry *v. West Virginia & P. R. Co. (W. Va.)*, vol. 11, p. 103.

Carrier's lien on goods attached in warehouse.

Santa Fe Pac. R. Co. *v. Bossut (N. Mex.)*, vol. 19, p. 683.

Fires, liability for destruction of goods by fire.

Backhaus *v. Chicago & N. W. R. Co. (Wis.)*, vol. 3, p. 426.

Liability as.

Georgia & A. Ry. *v. Pound (Ga.)*, vol. 17, p. 398.

Liability for goods destroyed in warehouse.

Berry *v. West Virginia & P. R. Co. (W. Va.)*, vol. 11, p. 103.

Lien for storage charges.

Dixon *v. Central of Georgia Ry. Co. (Ga.)*, vol. 17, p. 380.

Refusal of consignee to accept goods.

American Sugar Refining Co. *v. McGhee (Ga.)*, vol. 2, p. 697.

Sufficiency of evidence to prove custom changing carrier's liability as.

Georgia & A. Ry. *v. Pound (Ga.)*, vol. 17, p. 398.

CARRIERS OF GOODS—Continued.

Usages and customs as affecting carrier's liability as.

Georgia & A. Ry. v. Pound (Ga.), vol. 17, p. 398.

What constitutes a carrier.

Missouri Pac. Ry. Co. v.

Wichita Wholesale Grocery Co. (Kan.), vol. 2, p. 560.

When relation of carrier and shipper begins.

Dixon v. Central of Georgia Ry. Co. (Ga.), vol. 17, p. 380.

CARRIERS OF LIVE STOCK.

See Carriers of Freight.

Carriers of Goods.

Circus.

Competition.

Conflict of Laws.

Connecting Carriers.

Constitutional Law.

Demurrage.

Action for loss of cattle through defective receiving pens is ex delicto.

Missouri, K. & T. Ry. Co. v. Byrne (Ind. Ter.), vol. 13, p. 17.

Action for negligence may be based on statute prescribing penalty for failure to care for stock in transit.

Burns v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 17, p. 290.

Act of God, heavy dew not sufficient to relieve carrier from liability for delay in transportation of live stock.

Missouri, K. & T. Ry. Co. v. Truskett (Ind. Ter.), vol. 17, p. 273.

Assumption of risk by shipper. Heller v. Chicago & G. T. R. Co. (Mich.), vol. 3, p. 599.

Assumption of risks from defects in cars furnished by shipper.

Leonard v. Whitcomb (Wis.), vol. 7, p. 520.

Authority of shipper's agent.

Burgher v. Chicago, R. I. & P. R. Co. (Iowa), vol. 11, p. 130.

Burden of proof.

Grieve v. Illinois Cent. R. Co. (Iowa), vol. 9, p. 669.

Burden of proof where shipment was made through connecting carriers.

Milam v. Southern Ry. Co. (S. Car.), vol. 18, p. 253.

CARRIERS OF LIVE STOCK—Continued.

Carrier's duty to care for stock under South Carolina statute.

Milam v. Southern Ry. Co. (S. Car.), vol. 18, p. 253.

Carrier's duty where shipper makes special contract to care for stock.

Burns v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 17, p. 290.

Carrier's liability.

Cooper v. Raleigh & G. R. Co. (Ga.), vol. 18, p. 412.

Cause of action for killing horse in transit, pleading.

Ausk v. Great Northern Ry. Co. (N. Dak.), vol. 21, p. 851.

Collision, instruction as to liability of company not engaged in transporting stock.

Williams v. Houston & Texas Central R. Co. (Tex.), vol. 2, p. 533.

Collision between trains of different companies, rights of colliding railroad companies inter se.

Williams v. Houston & Texas Central R. Co. (Tex.), vol. 2, p. 533.

Complaint.

Gulf, Colorado, etc., R. Co. v. Hughes (Tex.), vol. 2, p. 507.

Contract for shipment of live stock.

Gulf, C. & S. F. R. Co. v. Frost (Tex. Civ. App.), vol. 3, p. 422.

Contributory Negligence.

Injury to person riding in car with stock.

Heumhreus v. Fremont, Elkhorn, etc., R. Co. (S. Dak.), vol. 2, p. 546.

Injury to person riding in car with stock in violation of contract of carriage.

Heumhreus v. Fremont, Elkhorn, etc., R. Co. (S. Dak.), vol. 2, p. 546.

Of shipper in failing to unload and care for stock at a certain point is a question for jury.

Burns v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 17, p. 290.

Unloading cattle.

Chesapeake & O. R. Co. v. American Exch. Bank (Va.), vol. 3, p. 425.

CARRIERS OF LIVE STOCK CARRIERS OF LIVE STOCK—*Continued.***Conversion.**

Gulf, C. & S. F. R. Co. *v.*
Fowler (Tex. Civ. App.),
vol. 3, p. 423.

Custom of sending caretaker with cattle.

Heller *v.* Chicago & G. T. R.
Co. (Mich.), vol. 3, p. 599.

Damages.**Competency of witnesses to prove value of live stock.**

Missouri, Kansas & Texas
R. Co. *v.* Woods (Tex.),
vol. 2, p. 519.

Damages for delay in transportation.

St. Louis, I. M. & S. Ry.
Co. *v.* Edwards (C. C.
A.), vol. 8, p. 402.

Damages for depreciation caused by delay in furnishing cars.

St. Louis, I. M. & S. Ry.
Co. *v.* Law (Ark.), vol.
81, p. 286.

Damages recoverable under Missouri statute.

Paddock *v.* Missouri Pac.
Ry. Co. (Mo.), vol. 17, p.
310.

Delay in transportation.

Gulf, Colorado, etc., R. Co.
v. Hughes (Tex.), vol. 2,
pp. 507, 508.

Deterioration of stock.

Gulf, Colorado, etc., R. Co.
v. Stanley (Tenn.), vol.
2, p. 480.

Elements of damages in action to recover for delay in transportation of live stock.

Missouri, K. & T. Ry. Co.
v. Truskett (Ind. Ter.),
vol. 17, p. 273.

Injury by delay.

San Antonio & Arkansas
Pass. R. Co. *v.* Pratt
(Tex.), vol. 2, p. 505.

Measure of damages.

Williams *v.* Houston &
Texas Central R. Co.
(Tex.), vol. 2, p. 533.

Measure of damages for failure to furnish cars.

San Antonio & A. P. R.
Co. *v.* Pratt (Tex.), vol.
3, p. 424.

Measure of damages for injuries to live stock by negligent transportation.

St. Louis Southwestern R.

—*Continued.*

Co. *v.* Smith (Tex.), vol.
2, p. 531.

Measure of damages for injuries to stock in shipment.

St. Louis, etc., Ry. Co. *v.*
De Shong (Ark.), vol. 6,
p. 773.

Missouri statute requiring railroads to pay attorney's fee in addition to damages recovered for injuries to live stock in transit is unconstitutional.

Paddock *v.* Missouri Pac.
Ry. Co. (Mo.), vol. 17, p.
310.

Opinion of owner as to damages in transit.

Milam *v.* Southern Ry. Co.
(S. Car.), vol. 18, p. 253.

Proof of market value of stock.

Williams *v.* Houston &
Texas Central R. Co.
(Tex.), vol. 2, p. 533.

Stipulation as to measure of damages for injury to live stock.

Williams *v.* Houston &
Texas Central R. Co.
(Tex.), vol. 2, p. 533.

Declaration in action to recover for injuries to live stock defective, in not averring compliance with condition precedent in contract.

Baxter *v.* Louisville, N. A.
& C. Ry. Co. (Ill.), vol.
6, p. 618.

Delay.

Comer *v.* Stewart (Ga.),
vol. 4, p. 263.

Gulf, Colorado, etc., R. Co.
v. Hughes (Tex.), vol. 2,
p. 507.

San Antonio & Arkansas
Pass. R. Co. *v.* Pratt
(Tex.), vol. 2, p. 505.

Injury from shipping cattle through floods and washouts.

St. Louis, I. M. & S. R.
Co. *v.* Bland (Tex. Civ.
App.), vol. 3, p. 423.

Injury to cattle by delay in transportation.

Atchison, T. & S. F. R.
Co. *v.* Consolidated Cattle
Co. (Kan.), vol. 10, p.
368.

CARRIERS OF LIVE STOCK CARRIERS OF LIVE STOCK

—Continued.

Liability for injury to horses from changing cars and from delay.

Felton *v.* McCreary-McClellan Live Stock Co. (Ky.), vol. 21, p. 9.

Liability of connecting carriers for delay.

St. Louis, I. M. & S. Ry. Co. *v.* Edwards (C. C. A.), vol. 8, p. 402.

Province of jury as to reasonableness of delay.

Missouri Pacific R. Co. *v.* Hall (C. C. A.), vol. 2, p. 525.

Right of company to instruction excusing delay because of compliance with statute requiring stoppage for food, water and rest.

Missouri Pac. R. Co. *v.* Hall (C. C. A.), vol. 2, p. 525.

Right of company to offset gain in value of part of shipment.

Gulf, Colorado, etc., R. Co. *v.* Hughes (Tex.), vol. 2, p. 507.

Delivery to Carrier.

Placing cattle in receiving pens as delivery.

Missouri, K. & T. Ry. Co. *v.* Byrne (Ind. Ter.), vol. 13, p. 17.

Demurrer.

Baxter *v.* Louisville, N. A. & C. Ry. Co. (Ill.), vol. 6, p. 618.

Deterioration of stock in course of transportation through negligence of carrier.

Gulf, Colorado, etc., R. Co. *v.* Stanley (Ter.), vol. 2, p. 480.

Duties.

Heller *v.* Chicago & G. T. R. Co. (Mich.), vol. 3, p. 599.

Duty of company to provide stock pens.

Missouri, Kan., etc., R. Co. *v.* Woods (Tex.), vol. 2, p. 519.

San Antonio & Arkansas P. R. Co. *v.* Pratt (Tex.) vol. 2, p. 505.

Duty of shipper to care for stock in transit.

Hengstler *v.* Flint & P. M. R. Co. (Mich.), vol. 20, p. 707.

—Continued.

Duty to furnish cars.

Chicago, B. & Q. R. Co. *v.* Williams (Neb.), vol. 21, p. 175.

Leonard *v.* Whitcomb (Wis.), vol. 7, p. 520.

Effect of written contract signed by shipper in ignorance of its contents after car is about to start.

Louisville & N. R. Co. *v.* Cooper (Ky.), vol. 17, p. 304.

Evidence.

Admissibility of evidence of conversation between shipper and agent of company after contract of carriage.

Missouri Pac. R. Co. *v.* Hall (C. C. A.), vol. 2, p. 525.

Burden of proving carrier's negligence where stock is injured in shipment.

Mitchell *v.* Carolina Cent. R. Co. (N. Car.), vol. 13, p. 201.

Competency of witness to prove value of live stock.

Missouri, Kansas, etc., R. Co. *v.* Woods (Tex.), vol. 2, p. 519.

Declarations of engineer showing malice, admissible in action for injuries to cattle in transit.

Crawford *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 17.

Delay in transportation.

Gulf, Colorado, etc., R. Co. *v.* Hughes (Tex.), vol. 2, p. 507.

Of value of trotting horse.

Pittsburgh, C. C., & St. L. Ry. Co. *v.* Sheppard (Ohio), vol. 6, p. 528.

Opinion evidence as to condition of cattle when loaded.

Southern Pac. Co. *v.* Arnett (C. C. A.), vol. 23, p. 794.

Parol evidence as to contract of shipment.

Burgher *v.* Chicago, R. I. & P. R. Co. (Iowa), vol. 11, p. 130.

Exception to statute providing for loading and unloading stock.

Chesapeake & O. R. Co. *v.* American Exch. Bank (Va.), vol. 3, p. 425.

CARRIERS OF LIVE STOCK CARRIERS OF LIVE STOCK

—Continued.

—Continued.

Failure to supply gang-plank for unloading.

Chesapeake & O. R. Co. *v.* American Exch. Bank (Va.), vol. 3, p. 425.

Failure to take cattle away at promised time.

Kansas & A. V. Ry. Co. *v.* Ayres (Ark.), vol. 6, p. 628.

Free transportation of shipper, Kansas statute.

Atchison, T. & S. F. Ry. Co. *v.* Campbell (Kan.), vol. 13, p. 69.

"Horse" does not include "jack."

Richardson *v.* Chicago & A. Ry. Co. (Mo.), vol. 13, p. 170.

Injury to stock in transit where shipper has made special contract to care for them.

Burns *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 17, p. 290.

Injury to stockmen.

Louisville & N. R. Co. *v.* Bell (Ky.), vol. 8, p. 413.

Instructions as to presumption of negligence.

Norfolk & W. Ry. Co. *v.* Reeves (Va.), vol. 16, p. 166.

Instruction for plaintiff not warranted by evidence, in action for loss of cattle escaping from stock pen after carrier had refused to receive them until they had been loaded.

Kansas City, P. & G. R. Co. *v.* Barnett (Ark.), vol. 22, p. 81.

Interstate Commerce.

Action for penalty for confining live stock for period prohibited by interstate commerce regulations.

United States *v.* St. Louis & S. F. R. Co. (Mo.), vol. 22, p. 812.

Diseased cattle.

Davis *v.* Texas & P. R. Co. (Tex. Civ. App.), vol. 3, p. 426.

State statute forbidding overloading may be applicable to interstate shipments.

Crawford *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 17.

Judicial notice, law of foreign state.

Meuer *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 493.

Kansas statute as to transportation of diseased cattle.

Missouri, K. & T. Ry. Co. *v.* Haber (U. S.), vol. 13, p. 37.

Liability for injury in loading from defective chute where loaded by shipper.

Candee *v.* New York, N. H. & H. R. Co. (Conn.), vol. 21, p. 434.

Liability for loss from want of proper care where carrier had knowledge of shipper's failure to furnish caretaker.

Chicago, B. & Q. R. Co. *v.* Williams (Neb.), vol. 21, p. 175.

Liability for loss in transit from want of proper care.

Chicago, B. & Q. Ry. Co. *v.* Williams (Neb.), vol. 21, p. 175.

Liability of carrier for escape of stock from pen which shipper knew was defective.

St. Louis, I. M. & S. Ry. Co. *v.* Law (Ark.), vol. 18, p. 286.

Liability of carrier for injury to cattle through failure to furnish cars.

Davis *v.* Texas & P. Ry. Co. (Tex.), vol. 10, p. 301.

Liability of carrier where contract provides that shipper shall unload stock at his risk.

Cooper *v.* Raleigh & G. R. Co. (Ga.), vol. 18, p. 412.

Liability of common carrier.

Heller *v.* Chicago & G. T. R. Co. (Mich.), vol. 3, p. 599.

Liability of company for negligence resulting in injury to shipper.

Meuer *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 493.

Liability of receivers for failure to comply with law regulating transfer of live stock.

United States *v.* Harris (U. S.), vol. 6, p. 773.

Liability of receivers under statute imposing penalty for cruelty to animals in transit.

United States *v.* Harris (U. S.), vol. 17, p. 582.

CARRIERS OF LIVE STOCK CARRIERS OF LIVE STOCK

—Continued.

Liability where shipper's agent failed to attend cattle.

Burgher *v.* Chicago, R. I. & P. R. Co. (Iowa), vol. 11, p. 130.

Liability with respect to cattle pens.

Missouri, K. & T. Ry. Co. *v.* Byrne (C. C. A.), vol. 18, p. 573.

Limitation of action for injury to.

Illinois Cent. R. Co. *v.* Brown (Ky.), vol. 16, p. 827.

Limiting Liability.

Cincinnati, N. O. & T. Ry. Co.'s Receiver *v.* Graves (Ky.), vol. 16, p. 177.

Cooper *v.* Raleigh & G. R. Co. (Ga.), vol. 18, p. 412.

Norfolk & W. Ry. Co. *v.* Reeves (Va.), vol. 15, p. 166.

Burden of proof where liability limited.

Crawford *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 17.

Burden of proving negligence.

Mitchell *v.* Carolina Cent. R. Co. (N. Car.), vol. 13, p. 201.

By stipulation that shipper shall load at his own risk.

Crawford *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 17.

Construction of contract of carriage providing that carrier should not be liable for acts of animals to themselves or to each other.

Loeser *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 8, p. 421.

Contract limiting liability for loading and unloading.

Chesapeake & O. R. Co. *v.* American Exch. Bank (Va.), vol. 3, p. 424.

Contract limiting liability for negligence.

Maxwell *v.* Southern Pac. R. Co. (La.), vol. 3, p. 425.

Contract limiting liability must be pleaded.

Kansas City, P. & G. Ry. Co. *v.* Pace (Ark.), vol. 21, p. 433.

Contract limiting liability of

—Continued.

common carrier.

Grieve *v.* Illinois Cent. R. Co. (Iowa), vol. 9, p. 669.

Contract that injury to stock in transit shall be presumed to have been caused by shipper's negligence is valid where there was a consideration.

Paddock *v.* Missouri Pac. Ry. Co. (Mo.), vol. 17, p. 310.

Exemption of liability in consideration of free carriage.

Louisville & N. R. Co. *v.* Bell (Ky.), vol. 8, p. 413.

Limitation of carrier's liability to agreed valuation.

Loeser *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 8, p. 421.

Limitation requiring notice of claim construed.

St. Louis, I. M. & S. Ry. Co. *v.* Law (Ark.), vol. 18, p. 286.

Reasonableness of stipulation requiring action to be brought within forty days.

Gulf, Colorado, etc.; R. Co. *v.* Stanley (Tenn.), vol. 2, p. 480.

Right of company to relieve itself from consequence of its own negligence.

Houston & Texas Central R. Co. *v.* Davis (Tex.), vol. 2, p. 487.

Right to limit its liability as to cars furnished.

Leonard *v.* Whitcomb (Wis.), vol. 7, p. 520.

Stipulation as to measure of damages for injury to live stock.

Williams *v.* Houston & Texas Central R. Co. (Tex.), vol. 2, p. 533.

Stipulation limiting the time of bringing action.

Texas & P. Ry. Co. *v.* Reeves (Tex.), vol. 8, p. 429.

To own line.

Keller *v.* Baltimore & O. R. Co. (Pa.), vol. 19, p. 197.

Validity of contract exempting company from liability for injuries to shipper accompanying live stock.

Meuer *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 493.

CARRIERS OF LIVE STOCK*—Continued.*

- Validity of contract limiting liability by fixing value of animal.
Illinois Cent. R. Co. *v.* Radford (Ky.), vol. 23, p. 124.
- Validity of exemption from liability for injuries.
Pittsburgh, C., C. & St. L. Ry. Co. *v.* Sheppard (Ohio), vol. 6, p. 528.
- Validity of stipulation.
Brown *v.* Illinois Cent. R. Co. (Ky.), vol. 6, p. 773.
- Validity of stipulation fixing value of stock at place of shipment as basis of damages.
Houston & Texas Central R. Co. *v.* Davis (Tex.), vol. 2, p. 487.
- Validity where same rate has been granted other shippers without limitation of liability.
Stewart *v.* Cleveland, C., C. & St. L. Ry. Co. (Ind.), vol. 13, p. 28.
- Maintenance of low snowshed and failure to give warning as negligence causing death of stockman.
Nelson *v.* Southern Pac. Co. (Utah), vol. 14, p. 374.
- Negligence a question for jury in action for injury to live stock.
Loeser *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 8, p. 421.
- Negligence in transferring stock a question for the jury.
Loeser *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 8, p. 421.
- Negligence with respect to cattle pen gates.
Texas, etc., Ry. Co. *v.* Big-ham (Tex.), vol. 6, p. 791.
- Notice.**
 - Duty of company to allege facts to show reasonableness of stipulation requiring notice of injuries.
Houston *v.* Texas Central R. Co. *v.* Davis (Tex.), vol. 2, p. 512.
 - Notice of claim for injury to live stock.
Norfolk & W. Ry. Co. *v.* Reeves (Va.), vol. 16, p. 166.

CARRIERS OF LIVE STOCK*—Continued.*

- Notice of injuries, validity of stipulation.
Missouri, K. & T. Ry. Co. *v.* Kirkham (Kan.), vol. 21, p. 845.
- Provision that shipper shall give notice of injury to stock by some officer, or agent of the company before animals are removed.
Baxter *v.* Louisville, N. A. & C. Ry. Co. (Ill.), vol. 6, p. 618.
- Kansas & A. V. Ry. Co. *v.* Ayers (Ark.), vol. 6, p. 628.
- Reasonableness of requirement of notice of injuries.
Houston & Texas Central R. Co. *v.* Davis (Tex.), vol. 2, p. 487.
- Reasonableness of stipulation requiring notice of injury to stock before removal from station.
Gulf, Colorado, etc., R. Co. *v.* Stanley (Tenn.), vol. 2, p. 480.
- Requirement of notice of full amount of loss before removal of stock from station.
Houston & Texas Central R. Co. *v.* Davis (Tex.), vol. 2, p. 487.
- Validity of requirement that notice of loss be given before removal of stock from station.
Gulf, Colorado, etc., R. Co. *v.* Stanley (Tenn.), vol. 2, p. 480.
- Houston & Texas Central R. Co. *v.* Davis (Tex.), vol. 2, p. 487.
- Pleading and proof in action for loss of goods.
Chicago, B. & Q. R. Co. *v.* Williams (Neb.), vol. 21, p. 175.
- Presumption of negligence, instructions.
Norfolk & W. Ry. Co. *v.* Reeves (Va.), vol. 16, p. 166.
- Presumption of negligence where stock is injured in transit.
Central of Georgia Ry. Co. *v.* Howard (Ga.), vol. 21, p. 15.
- Cooper *v.* Raleigh & G. R. Co. (Ga.), vol. 18, p. 412.

CARRIERS OF LIVE STOCK CARRIERS OF LIVE STOCK

—Continued.

Province of jury.

Williams v. Houston & Tex.
Central R. Co. (Tex.), vol.
2, p. 533.

Question whether injury to
stock was caused by mixed
shipment or by failure to
provide trapdoor for car is
for jury.

Paddock v. Missouri Pac.
Ry. Co. (Mo.), vol. 17, p.
310.

Release of liability for delay in
shipping stock.

San Antonio & A. P. R. Co.
v. Barnett (Tex. Civ.
App.), vol. 3, p. 423.

Release of liability of connect-
ing line by person traveling
with live stock, validity.

Delaware, L. & W. R. Co. v.
Ashley (U. S.), vol. 2, p.
212.

Right of principal to sue upon
contract for carriage of live
stock.

Gulf, Colorado, etc., R. Co.
v. Stanley (Tenn.), vol. 2,
p. 480.

Shipper whose stock has es-
caped from cattle pen and
been killed on track may
bring one action for negli-
gence of carrier in furnishing
defective pens and for negli-
gence in killing stock.

Missouri, K. & T. Ry. Co. v.
Byrne (C. C. A.), vol. 18,
p. 573.

'Shipping condition' of stock.
Felton v. Clarkson (Tenn.),
vol. 17, p. 300.

State and federal statutes re-
specting diseased cattle.

Missouri, K. & T. Ry. Co. v.
Haber (Kan.), vol. 3, p.
471.

Statutory liability of carrier for
overloading where loaded by
shipper.

Crawford v. Southern Ry. Co.
(S. Car.), vol. 19, p. 17.

Stockmen as passengers.

Louisville & N. R. Co. v. Bell
(Ky.), vol. 8, p. 414.

Storm as excuse for not feed-
ing.

Chesapeake & O. R. Co.
v. American Exch. Bank
(Va.), vol. 3, p. 424.

Sufficiency of evidence in ac-

—Continued.

tion for loss in transit from
want of proper care.

Chicago, B. & Q. R. Co. v.
Williams (Neb.), vol. 21,
p. 175.

Trover and conversion, liability
for conversion by connecting
carrier.

Little Rock, etc., Ry. Co. v.
Odom (Ark.), vol. 6, p. 773.

United States statute providing
for feeding and unloading
horses and mules.

Chesapeake & O. R. Co. v.
American Exch. Bank
(Va.), vol. 3, p. 424.

Validity of contract between
company and shipper travel-
ing with stock.

Ft. Scott, W. & W. R. Co. v.
Sparks (Kan.), vol. 2, p.
110.

Validity of contract providing
for lower rate in considera-
tion that shipper shall load.

Candee v. New York, N. H.
& H. R. Co. (Conn.), vol.
21, p. 434.

Validity of written contract of
shipment signed in haste
without reading.

Hengstler v. Flint & P. M.
R. Co. (Mich.), vol. 20, p.
707.

Waiver of stipulation requiring
persons accompanying stock
to ride in caboose.

Heumphreus v. Fremont,
Elkhorn, etc., R. Co. (S.
Dak.), vol. 2, p. 546.

Where the contract of shipment
of stock beyond a carrier's
line provides that there shall
be no extraterminal liability
for damage to the stock such
liability will not be held to
exist against the carrier.

Louisville & N. R. Co. v.
Tarter (Ky.), vol. 7, p. 607.

CARRIERS OF PASSENGERS.

See Actions.

Baggage.

Blackboards.

Blind.

Children.

Conflict of Laws.

Connecting Carriers.

Consolidation.

Contributory Negligence.

Damages.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

*See Death by Wrongful Act.**Elevated Railroads.**Evidence.**Exemplary Damages.**Illegal Arrest.**Imputable Negligence.**Injunctions.**Instructions.**Interstate Commerce.**Leases and Running Powers.**Licensees.**Mortality Tables.**Pleading.**Railroad Commissioners.**Rates.**Separate Coaches.**Sleeping Car Companies.**Stations and Depots.**Street Railways.**Tickets and Fares.**Trial.**Usages and Customs.**Warehousemen.***Accommodation trains and through trains, definitions.***Gray v. Chicago, M. & St. P. R. Co. (Ill.), vol. 21, p. 252.***Action for injuries, whether ex delicto or ex contractu.***Louisville & N. R. Co. v. Hine (Ala.), vol. 14, p. 382.***Action of tort or contract for injury to passenger.***Atlantic & P. Ry. Co. v. Laird (U. S.), vol. 8, p. 365.***Act of conductor in directing person assisting passenger to alight from moving train as negligence.***Johnson v. Southern Ry. Co. (S. Car.), vol. 12, p. 272.***Act of God.***Norfolk & W. R. Co. v. Marshall (Va.), vol. 2, pp. 220, 221.***Appliances.****Defects.***Gulf, C. & S. F. R. Co. v. Smith (Tex. Civ. App.), vol. 2, p. 222.**Keating v. Detroit, B. C. & A. R. Co. (Mich.), vol. 2, p. 222.***Liability for defects in cars only discoverable while they were being constructed.***Siemens v. Oakland, etc., Electric Ry. (Cal.), vol. 23, p. 564.*

—Continued.

Must use all readily attainable appliances known to science.*Whitney v. New York, etc., R. Co. (C. C. A.), vol. 19, p. 184.***Negligence of company, where passenger was injured by defective rail, is for jury.***M'Cafferty v. Pennsylvania R. Co. (Pa.), vol. 16, p. 122.***Where imperfect wheel caused an accident which results in injury to a passenger the question of the carrier's negligence was for the jury.**
*Chesapeake & O. Ry. Co. v. Howard (U. S.), vol. 17, p. 660.***Arrest.****Arrest for failure to pay fare.**
*Stricker v. Pennsylvania R. Co. (N. J.), vol. 7, p. 758.***Authority of state officer to enter car and make arrest.**
*Claiborne v. Chesapeake & O. Ry. Co. (W. Va.), vol. 14, p. 217.***Evidence of justification was proper to be considered in determining whether police officer acted on his own responsibility, in action for arrest of passenger.***Dixon v. New England R. R. (Mass.), vol. 22, p. 10.***Good faith of police officer, not an element to be considered in action for illegal arrest of passenger.***Dixon v. New England R. R. (Mass.), vol. 22, p. 10.***Illegal arrest of passenger for riding beyond destination did not entitle him to punitive damages.***Cone v. Central R. Co. (N. J.), vol. 12, p. 278.***Liability of conductor and company where conductor causes arrest of passenger.**
*Claiborne v. Chesapeake & O. Ry. Co. (W. Va.), vol. 14, p. 217.***Of passengers, liability:***Alabama & V. Ry. Co. v. Kuhn (Miss.), vol. 19, p. 466.*

CARRIERS OF PASSENGERS*—Continued.*

Stop-over checks, rules of company requiring conductor to issue them admissible in action for illegal arrest of passenger who failed to obtain one.

Dixon *v.* New England R. R. (Mass.), vol. 22, p. 10.

Assaults.

Georgia, R., etc., Co. *v.* Richmond (Ga.), vol. 5, p. 694.

Norfolk, etc., R. Co. *v.* Ampey (Va.), vol. 5, p. 707.

Higgins *v.* Southern Ry. Co. (Ga.), vol. 5, p. 694.

A conductor cannot lawfully use more force in repelling an assault upon him by a passenger than is necessary for his defense.

St. Louis S. W. Ry. Co. *v.* Berger (Ark.), vol. 10, p. 235.

Assault by employees.

Krantz *v.* Rio Grande Western R. Co. (Utah), vol. 2, p. 432.

McFarlan *v.* Pennsylvania R. Co. (Pa.), vol. 22, p. 16.

Assault by employee not in line of duty.

Haver *v.* Central R. Co. (N. J.), vol. 12, p. 261.

Assault on passenger by conductor.

St. Louis S. W. Ry. Co. *v.* Berger (Ark.), vol. 10, p. 235.

Disorderly and dangerous passengers.

Louisville & Nashville R. Co. *v.* McEwan (Ky.), vol. 2, p. 438.

Duty to protect passenger from indignities and personal violence.

Birmingham Ry. & Electric Co. *v.* Baird (Ala.), vol. 22, p. 909.

Duty to protect passenger from other passengers.

Louisville & N. R. Co. *v.* McEwan (Ky.), vol. 2, p. 438; vol. 17, p. 208.

Failure of station agent to protect person in station from assault and robbery.

Krantz *v.* Rio Grande Western R. Co. (Utah), vol. 2, p. 432.

CARRIERS OF PASSENGERS*—Continued.*

Injury to passenger by insane person.

St. Louis, etc., R. Co. *v.* Greenthal (C. C. A.), vol. 6, p. 261.

Liability for assault by conductor on passenger.

Central of Georgia Ry. Co. *v.* Brown (Ga.), vol. 21, p. 561.

Smith *v.* Norfolk & W. Ry. Co. (W. Va.), vol. 17, p. 108.

Liability for assault on passenger by conductor retaliating for abusive words.

Birmingham Ry. & Electric Co. *v.* Baird (Ala.), vol. 22, p. 909.

Liability for injury to passenger from malicious or willful act of employee.

Birmingham Ry. & Electric Co. *v.* Baird (Ala.), vol. 22, p. 909.

Liability for injury to passenger tripped up by drunken fellow passenger.

Cobb *v.* Boston Elevated Ry. (Mass.), vol. 21, p. 424.

Liability for rudeness of conductor.

Daniels *v.* Florida Cent. & P. R. Co. (S. Car.), vol. 23, p. 107.

Liability of company for assault by another passenger.

Louisville & Nashville R. Co. *v.* McEwan (Ky.), vol. 2, p. 438.

Liability of company for assault on passenger by employee.

Atchison, etc., R. Co. *v.* Henry (Kan.), vol. 2, p. 418.

Lampkin *v.* L. & N. R. Co. (Ala.), vol. 2, p. 425.

Sufficiency of evidence of use of unnecessary force by conductor in preventing passenger from entering car while in-coming passengers were alighting.

McFarlan *v.* Pennsylvania R. Co. (Pa.), vol. 22, p. 16.

Assisting Passengers.

Duty to give person assisting passenger notice of starting of train.

Berry *v.* Louisville & N. R. Co. (Ky.), vol. 20, p. 401.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

—Continued.

- Ejection of person assisting female passenger to board train.
 Macon, D. & S. R. Co. v. Moore (Ga.), vol. 15, p. 842.
- Liability for death of person at station to meet passenger.
 Denver & R. G. R. Co. v. Spencer (Colo.), vol. 18, p. 236.
- One assisting departing passenger is a licensee.
 Whitley v. Southern Ry. Co. (N. Car.), vol. 12, p. 210.
- One assisting departing passenger who is told by employee to alight while train is starting from station may recover for injuries sustained while so doing.
 International & G. N. R. Co. v. Satterwhite (Tex. Civ. App.), vol. 12, p. 215.
- Backing train at depot and injuring passenger is negligence.
 St. Louis, etc., Ry. Co. v. Tomlinson (Ark.), vol. 22, p. 682.
- Care required in "kicking" cars.
 Bradley v. Ohio River Ry. Co. (N. Car.), vol. 18, p. 340.
- Carriers estopped to deny authority of clerk assuming to be general passenger agent.
 Southern Ry. Co. v. Marshall (Ky.), vol. 23, p. 82.
- Carrier liable for negligence of servant though he was performing an ultra vires agreement of the carrier.
 Chesapeake & O. Ry. Co. v. Howard (U. S.), vol. 17, p. 660.
- Carrying beyond Destination.
 Dave v. Morgan's Louisiana & Texas, etc., Co. (La. Ann.), vol. 2, p. 127.
 Kentucky Central R. Co. v. Biddle (Ky.), vol. 3, p. 656.
 Louisville & N. R. Co. v. Cayce (Ky.), vol. 3, p. 656.
- Carrier liable for death of intoxicated passenger carried beyond station and then expelled from depot.
 Haug v. Great Northern Co. (N. Dak.), vol. 12, p. 25.
- Carrier not liable for injuries occurring at hotel.
 Central of Ga. Ry. Co. v. Price (Ga.), vol. 12, p. 283.
- Carrying passenger beyond station, instructions as to damages.
 Southern Ry. Co. v. Bryant (Ga.), vol. 12, p. 159.
- Children.
 Gage v. Illinois, Cent. R. Co. (Miss.), vol. 8, p. 372.
 Georgia, C. & N. R. Co. v. Watkins (Ga.), vol. 3, p. 429.
- Duty of passenger for flag station whose ticket has not been taken up to notify conductor.
 Central of Georgia Ry. Co. v. Dorsey (Ga.), vol. 14, p. 212.
- Duty to passenger on train moving past his destination.
 McDonald v. Boston & Maine R. Co. (Me.), vol. 2, p. 293.
- Failure to awaken passenger.
 Fisher v. Paxson (Pa.), vol. 8, p. 516.
- Houston & Texas Central R. Co. v. Smith (Tex. Civ. App.), vol. 2, p. 177.
- McKeon v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 8, p. 219.
- Texas & P. R. Co. v. Alexander (Tex. Civ. App.), vol. 2, p. 184.
- Failure to instruct as to duty of passenger for flag station whose ticket has not been taken up to notify conductor.
 Central of Georgia Ry. Co. v. Dorsey (Ga.), vol. 14, p. 212.
- Failure to stop at station.
 Louisville, etc., R. Co. v. Miles (Ky.), vol. 6, p. 774.
- Liability for carrying passenger beyond station where failure to notify conductor as to destination.
 Pence v. Louisville & N. R. Co. (Ky.), vol. 23, p. 807.

CARRIERS OF PASSENGERS

—Continued.

Liability for injuries resulting from.

Houston & Texas Central Railroad Co. *v.* Smith (Tex. Civ. App.), vol. 2, p. 177.

Liability of carrier for failure of sleeping car employee to awake passenger in time to get off at his station.

Airey *v.* Pullman Palace Car Co. (La.), vol. 11, p. 836.

Right to recover for failure to stop train at station where passenger relied on statement of ticket agent.

Atkinson *v.* Southern Ry. Co. (Ga.), vol. 23, p. 651.

Chartered Train.

Liability for injury to passenger on chartered train.

Texarkana & Ft. S. Ry. Co. *v.* Anderson (Ark.), vol. 18, p. 37.

Checks.

Failure to inform conductor of change in rules and regulations.

Sheets *v.* Ohio River R. Co. (W. Va.), vol. 2, p. 129.

Collision.

Clark *v.* Chicago & Alton R. Co. (Mo.), vol. 2, p. 307.

Conductors.

Authority of conductor to grant stop-over privileges.

International & G. N. R. Co. *v.* Best (Tex.), vol. 17, p. 153.

Burden of proof on carrier to show that persons taking up tickets was not the conductor.

Coursey *v.* Southern Ry. Co. (Ga.), vol. 21, p. 412.

Duty of conductor where passenger refuses to leave place of danger.

Aufdenberg *v.* St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 3, p. 323.

Sufficiency of evidence of use of unnecessary violence by conductor in preventing passenger from entering car while other passengers were alighting.

McFarlan *v.* Pennsylvania R. Co. (Pa.), vol. 22, p. 16.

CARRIERS OF PASSENGERS

—Continued.

Sufficiency of evidence that conductor was acting within course of his employment in preventing passenger from boarding train.

McFarlan *v.* Pennsylvania R. Co. (Pa.), vol. 22, p. 16.

Sufficiency of evidence that conductor was acting within course of his employment in preventing passenger from boarding train from which other passengers were alighting.

McFarlan *v.* Pennsylvania R. Co. (Pa.), vol. 22, p. 16.

Conflict of Laws.

Need not plead wrong was actionable under foreign law.

Illinois Cent. R. Co. *v.* Kuhn (Tenn.), vol. 22, p. 324.

Connecting Carriers.

Advertisement as to carriage of passengers on continuous route without change.

Pennsylvania R. Co. *v.* Jones (U. S.), vol. 2, p. 389.

Inference of agreement by initial carrier to extend its liability.

Pennsylvania R. Co. *v.* Jones (U. S.), vol. 2, p. 389.

Joint liability of companies using track and operating trains in common for injuries sustained by collision.

Pennsylvania R. Co. *v.* Jones (U. S.), vol. 2, p. 389.

Liability of carrier selling ticket as agent for wrongful enforcement of quarantine regulations by connecting carrier.

St. Clair *v.* Kansas City, M. & B. R. Co. (Miss.), vol. 20, p. 426.

Liability of carrier selling ticket for injuries to passenger while being carried by another company.

Barkman *v.* Pennsylvania R. Co. (C. C. N. J.), vol. 12, p. 250.

CARRIERS OF PASSENGERS

—Continued.

Liability of company for injuries received on connecting line.

Pennsylvania R. Co. *v.* Jones (U. S.), vol. 2, p. 389.

Liability of initial carrier on its own line.

Pennsylvania R. Co. *v.* Jones (U. S.), vol. 2, p. 389.

Liability of intersecting railroad as joint tortfeasor because of proximity of defective platform of other company used by its own passengers.

St. Louis, etc., Ry. Co. *v.* Battle (Ark.), vol. 22, p. 700.

Negligence of initial carrier was question for jury.

Louisville & N. R. Co. *v.* Farmers' & Drovers' Livestock Commission Firm (Ky.), vol. 17, p. 284.

Ownership of stock and bonds of company forming part of continuous route.

Pennsylvania R. Co. *v.* Jones (U. S.), vol. 2, p. 389.

Right of passengers on excursion train to go by intersecting railroad.

Baltimore, C. & A. Ry. Co. *v.* Kirby (Md.), vol. 18, p. 248.

Consolidation, effect on contracts of carriage.

Tompkins *v.* Augusta Southern R. Co. (Ga.), vol. 11, p. 587.

Constitutional Law.

Constitutionality of § 3, art. 1, ch. 72, Comp. St., making railroad companies liable for injuries to passengers in the absence of negligence.

Chicago, B. & O. R. Co. *v.* Wolfe (Neb.), vol. 22, p. 26.

Chicago, R. I. & P. Ry. Co. *v.* Young (Neb.), vol. 14, p. 343.

Constitutionality of statute requiring separate coaches.

Smith *v.* State (Tenn.), vol. 11, p. 144.

CARRIERS OF PASSENGERS

—Continued.

Constitutionality of statute requiring the heating of passenger cars.

New York, N. H. & H. R. Co. *v.* People of the State of New York (U. S.), vol. 8, p. 172.

Contract between carrier and new company whereby latter agrees to indemnify former for any injury to news boys on its trains is not against public policy.

Kansas City, M. & B. R. Co. *v.* Southern Ry. News Co. (Mo.), vol. 14, p. 528.

Construction of Nebraska statute creating liability in absence of negligence.

Chicago, R. I. & P. Ry. Co. *v.* Zerneck (Neb.), vol. 17, p. 76.

Contributory Negligence.

Fisher *v.* West Virginia & P. R. Co. (W. Va.), vol. 4, p. 86.

Piper *v.* New York Cent. & H. R. Co. (N. Y.), vol. 11, p. 202.

Saunders *v.* Southern Pac. R. Co. (Utah), vol. 4, p. 13.

Absence of evidence of.

Reimer *v.* N. Y., N. H. & H. R. Co. (Mass.), vol. 21, p. 378.

Advice of conductor as to method of leaving train.

McDonald *v.* Boston & Maine R. Co. (Me.), vol. 2, p. 293.

Alighting from Moving Train or Car.

Agulino *v.* New York, N. H. & H. R. Co. (R. I.), vol. 14, p. 314.

Atchison, Topeka & S. F. R. Co. *v.* O'Melia (Kan.), vol. 2, p. 257.

Baltimore & O. R. Co. *v.* Meyers (C. C. A.), vol. 2, p. 262.

Blevins *v.* Atchison, Topeka, etc., R. Co. (Okla.), vol. 2, p. 329.

Brasher *v.* Houston Cent. A. & N. R. Co. (La. Ann.), vol. 2, p. 262.

Chicago & A. R. Co. *v.* Byrum (Ill.), vol. 2, pp. 261, 262.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

—Continued.

- Chicago, B. & O. R. Co.
v. Hyatt (Neb.), vol. 4,
 p. 44.
- Floytrup *v. Boston &*
Maine R. Co. (Mass.),
 vol. 2, p. 274.
- Hoehn *v. Chicago, P. &*
St. L. R. Co. (Ill.), vol.
 2, p. 261.
- Jacob *v. Flint & P. M.*
R. Co. (Mich.), vol. 2,
 p. 257.
- La Pointe *v. Boston & M.*
R. R. (Mass.), vol. 23,
 p. 105.
- Lehman *v. Railroad Co.*
(La. Ann.), vol. 2, p.
 259.
- Louisville & N. R. Co. *v.*
Depp (Ky.), vol. 3, p.
 440.
- McDonald *v. Kansas City*
& I. R. Co. (Mo.), vol.
 2, pp. 258, 262.
- New Jersey Traction Co.
v. Gardner (N. J.), vol.
 2, p. 259.
- Outen *v. North & South*
St. R. Co. (Ga.), vol.
 2, p. 258.
- Rothstein *v. Pennsyl-*
vania R. Co. (Pa.), vol.
 2, pp. 258, 262.
- Schiffier *v. Chicago & N.*
W. Ry. Co. (Wis.), vol.
 8, p. 122.
- Texas & P. R. Co. *v.*
Beckworth (Tex. Civ.
 App.), vol. 2, pp. 258,
 261.
- Victor *v. Pennsylvania*
R. Co. (Pa. St.), vol.
 2, pp. 257, 259.
- Alighting at some distance
 from station at invitation
 of conductor.
- Hinshaw *v. Raleigh & A.*
A. L. R. Co. (N. Car.),
 vol. 3, p. 558.
- Alighting from moving car
 after mere announcement
 of arrival at station.
- Payne *v. Nashville, etc.,*
Ry. Co. (Tenn.), vol.
 22, p. 677.
- Alighting from moving
 car, question for jury.
- Coursey *v. Southern Ry.*
Co. (Ga.), vol. 21, p.
 412.
- Alighting from moving
 street car.
- New Jersey Traction Co.
v. Gardner (N. J.), vol.
 9, p. 843.
- Alighting from moving
 train by direction of em-
 ployee.
- McPeak *v. Missouri Pa-*
cific R. Co. (Mo.), vol.
 2, p. 226.
- Alighting from moving
 train by invitation of
 employee.
- Atchison, Topeka &
 Santa Fe R. Co. *v.*
Hughes (Kan.), vol. 2,
 p. 248.
- Lewis *v. President, etc.,*
Canal Co. (N. Y.), vol.
 2, p. 192.
- Alighting from moving
 train contrary to warning
 of employees is contribu-
 tory negligence.
- Western & A. R. Co. *v.*
Goodwin (Ga.), vol. 12,
 p. 219.
- Alighting from moving
 train to avoid a ditch.
- Texas & Pacific Ry. Co.
v. McLane (Tex. Civ.
 App.), vol. 2, p. 263.
- Alighting on carrier's invi-
 tation not contributory
 negligence per se.
- Cooper *v. Georgia, C., &*
N. Ry. Co. (S. Car.),
 vol. 16, p. 12.
- By invitation of train
 hands.
- Atchison, Topeka & S. F.
 R. Co. *v. O'Melia*
 (Kan.), vol. 2, p. 257.
- Durham *v. Louisville &*
N. R. Co. (Ky.), vol.
 2, p. 260.
- Hodges *v. Southern Ry.*
Co. (N. Car.), vol. 8,
 p. 46.
- Jacob *v. Flint & P. M.*
R. Co. (Mich.), vol. 2,
 pp. 257, 260.
- Lehman *v. Railroad Co.*
(La. Ann.), vol. 2, p.
 259.
- McDonald *v. Kansas City*
& I. R. Co. (Mo.), vol.
 2, p. 258.
- New Jersey Traction Co.
v. Gardner (N. J.), vol.
 2, p. 259.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

- Outen *v.* North & South St. R. Co. (Ga.), vol. 2, p. 258.
- Rothstein *v.* Pennsylvania R. Co. (Pa.), vol. 2, p. 258.
- Savannah, F. & W. R. Co. *v.* Wall (Ga.), vol. 2, p. 260.
- Texas & P. R. Co. *v.* Beckworth (Tex. Civ. App.), vol. 2, p. 261.
- Victor *v.* Pennsylvania R. Co. (Pa. St.), vol. 2, pp. 257, 259.
- Question for jury.
- Chicago & E. I. Co. *v.* Stormont (Ill.), vol. 21, p. 116.
- When alighting from moving train is.
- Sanders, *v.* Southern Ry. Co. (Ga.), vol. 14, p. 281.
- Alighting from Train.**
- Alighting from train to avoid danger is not.
- Brockett *v.* Fair Haven & W. R. Co. (Conn.), vol. 20, p. 407.
- Alighting from wrong side of train.
- Flanagan *v.* Philadelphia, W. & B. R. Co. (Pa.), vol. 8, p. 119.
- A passenger alighting from a train is not guilty of negligence in assuming that his car is at the platform, when, owing to the snow covering the surface of the earth, there is nothing to show him that the train has not stopped at the platform.
- Chesapeake & O. Ry. Co. *v.* Friel (Ky.), vol. 8, p. 126.
- A passenger on a train instead of leaving it by a safe exit which was provided, alighted on the other side on a platform, which was so narrow that he was injured by a second train, which came up on the opposite side of the platform.
- Illinois Cent. R. Co. *v.* Davidson (U. S.), vol. 7, p. 715.

—Continued.

- Question for jury.
- Lewis *v.* President, etc., Canal Co. (N. Y.), vol. 2, p. 192.
- Whether train was stopped at station question for jury.
- Cooper *v.* Georgia, etc., Ry. Co. (S. Car.), vol. 22, p. 667.
- Arm protruding from car window.
- Clark *v.* Louisville & N. R. Co. (Ky.), vol. 8, p. 355.
- Assumption of risk by passengers for sleeping in exposed situation after breach of contract to carry.
- Mewethy *v.* Detroit, G. R. & W. Co. (Mich.), vol. 22, p. 691.
- Boarding Moving Car.**
- Finkeldey *v.* Omnibus Cable Co. (Cal.), vol. 5, p. 393.
- Illinois Cent. R. Co. *v.* O'Keefe (Ill.), vol. 9, p. 611.
- Louisville & N. R. Co. *v.* Bernard (Ky.), vol. 6, p. 55.
- Schaefer *v.* St. Louis & S. R. Co. (Mo.), vol. 2, p. 224.
- After the train had commenced moving from the station and the door for admitting passengers from such station had been locked the deceased, the holder of a free pass over the road, boarded the moving train, and being unable to effect an entrance because of the locked door, remained upon the platform of the car until knocked off by the shock of a collision, which took place before the conductor had time to admit him into the car: *held*, that he was not an accepted passenger.
- Illinois Cent. R. Co. *v.* O'Keefe (Ill.), vol. 9, p. 611.
- At invitation of conductor.
- Distler *v.* Long Island R. Co. (N. Y.), vol. 6, p. 235.
- Young *v.* Chicago, etc., R. Co. (Iowa), vol. 6, p. 231.

CARRIERS OF PASSENGERS

—*Continued.*

- Mixed question of law and fact.
Schaefer *v.* St. Louis & S. R. Co. (Mo.), vol. 2, p. 224.
- Burden of proof.
Indianapolis St. Ry. Co. *v.* Robinson (Ind.), vol. 23, p. 628.
- Carelessly stepping down from car not having sufficient steps is.
Coburn *v.* Philadelphia, W. & B. R. Co. (Pa.), vol. 20, p. 34.
- Care required of passenger crossing intervening tracks to platform.
Chesapeake & O. Ry. Co. *v.* King (C. C. A.), vol. 17, p. 167.
- Care to be exercised by passenger crossing tracks in leaving train at station.
Graven *v.* MacLeod (C. C. A.), vol. 14, p. 305.
- Care to be exercised by passenger on mixed train.
Macon, D. & S. R. Co. *v.* Moore (Ga.), vol. 15, p. 842.
- Concurring proximate cause.
Cooper *v.* Georgia, etc., Ry. Co. (S. Car.), vol. 22, p. 667.
- Contributory negligence of passenger at station in going by usual route to baggage room whereby he was injured, where there was another route in using which he would have received no injury, was for the jury.
Exton *v.* Central R. Co. of New Jersey (N. J.), vol. 14, p. 240.
- Contributory negligence of passenger crossing track at station to board train without looking and listening is for jury.
Beecher *v.* Long Island R. Co. (N. Y.), vol. 12, p. 295.
- Contributory negligence of passenger crossing track to board train a question for jury.
Beecher *v.* Long Island R. Co. (N. Y.), vol. 17, p. 199.
- Contributory negligence of passenger going on platform of car, at station, is for jury.
McCurrie *v.* Southern Pac. Co. (Cal.), vol. 12, p. 170.

CARRIERS OF PASSENGERS

—*Continued.*

- Contributory negligence of passenger on freight train in leaving seat, question for jury.
St. Louis & S. F. Ry. Co. *v.* Burrows (Kan.), vol. 17, p. 678.
- Contributory negligence of passenger riding on step of crowded car was for jury.
Lake Shore & M. S. Ry. Co. *v.* Kelsey (Ill.), vol. 16, p. 82.
- Criminal negligence on part of passenger to be shown.
Fremont, E. & M. V. R. Co. *v.* French (Neb.), vol. 4, p. 365.
- Crippled woman passenger of sixty-three years of age injured after alighting from train, while standing to drink, while freight train was switching.
Felton *v.* Horner (Tenn.), vol. 8, p. 79.
- Custom of train to slow down to permit passenger to alight.
Brashear *v.* Houston Cent., etc., R. Co. (La. Ann.), vol. 2, p. 293.
- Duty of company to warn passengers not to leave cars.
Floytrup *v.* Boston & Maine R. Co. (Mass.), vol. 2, p. 273.
- Duty of passenger alighting on track at station to look and listen for trains was for jury.
Atlantic City R. Co. *v.* Goodin (N. J.), vol. 14, p. 291.
- Effect of passenger's intoxication in violation of statute on company's duty to protect him.
Wheeler *v.* Grand Trunk Ry. Co. (N. H.), vol. 23, p. 84.
- Failure to allege that train had stopped when passenger was injured while alighting.
Townsend *v.* Nashville, C. & St. L. Ry. (Tenn.), vol. 21, p. 7.
- Failure to leave premises by safest way.
Louisville & N. R. Co. *v.* Rickets (Ky.), vol. 2, p. 282.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

Fall from platform while waiting for train.

Illinois Cent. R. Co. *v.* Davidson (C. C. A.), vol. 7, p. 715.

Missouri, K. & T. Ry. Co. *v.* Turley (C. C. A.), vol. 10, p. 380.

Freight trains.

Arkansas Midland Ry. Co. *v.* Griffith (Ark.), vol. 9, p. 846.

Going on platform before train stops.

Hicks *v.* Georgia, S. & F. Ry. Co. (Ga.), vol. 14, p. 279.

Going to door of street railway car while car is in motion.

Consolidated Traction Co. *v.* Thalheimer (N. J.), vol. 9, p. 858.

Injury to passengers alighting, sufficiency of evidence.

Girton *v.* Lehigh Valley R. Co. (Pa.), vol. 21, p. 157.

Injury to passenger on steps of car in anticipation of stoppage.

Scheiber *v.* Chicago, St. Paul, etc., R. Co. (Minn.), vol. 2, p. 289.

Injury to passenger leaving railroad premises.

Illinois Central R. Co. *v.* Davidson (C. C. A.), vol. 2, p. 265.

Instructions as to care by passenger on street car.

West Chicago St. R. Co. *v.* McNulty (Ill.), vol. 9, p. 255.

Instructions as to weight of evidence.

Chicago, etc., Ry. Co. *v.* Hoover (Ind. Ter.), vol. 23, p. 73.

Intoxication not contributory negligence per se.

Trumbull *v.* Erickson (C. C. A.), vol. 17, p. 93.

Jumping from Moving Car.

Floytrup *v.* Boston & Maine R. Co. (Mass.), vol. 2, p. 273.

Jagger *v.* People's St. Ry. Co. (Pa.), vol. 8, p. 771.

Jumping from moving train by invitation of employee.

Atchison, Topeka & Santa Fe R. Co. *v.* Hughes (Kan.), vol. 2, p. 248.

—Continued.

Jumping from moving train, by order of conductor, to take up dangerous position.

Aufdenberg *v.* St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 3, p. 323.

Jumping from moving train, passenger on street cars.

Pray *v.* Omaha St. R. Co. (Neb.), vol. 2, p. 299.

Jumping from moving train, passenger upon vestibule train returning through vestibule which was not lighted walking through a door leading out of train which had been left unfastened.

Brown *v.* Oakes (C. C. A.), vol. 9, p. 166.

Jumping from moving train, to avoid ditch.

Texas & Pacific Ry. Co. *v.* McLane (Tex. Civ. App.), vol. 2, p. 263.

Leaning out of street car.

Cummings *v.* Worcester, etc., R. Co. (Mass.), vol. 5, p. 389.

Leaving moving train.

McDonald *v.* Boston & Maine R. Co. (Me.), vol. 2, p. 293.

Leaving railway premises by unsafe route.

St. Louis, I. M. & S. R. Co. *v.* Cox (Ark.), vol. 2, p. 280.

Leaving seat as contributory negligence.

Burr *v.* Pennsylvania R. Co. (N. J.), vol. 16, p. 162.

Liability for injury to passenger's arm projecting from the window, caused by proximity of cattle chute.

Chicago, etc., Ry. Co. *v.* Hoover (Ind. Ter.), vol. 23, p. 73.

May be shown under general denial.

Kennedy *v.* Southern Ry. Co. (S. Car.), vol. 21, p. 121.

Moving car, push by employee when deceased attempted to get off.

Sharer *v.* Paxson (Pa.), vol. 2, p. 429.

Negligence of company in allowing passenger to go on car platform.

Floytrup *v.* Boston & Maine R. Co. (Mass.), vol. 2, p. 273.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

- Of passenger on street car, question for jury.
Blondel v. St. Paul City R. Co. (Minn.), vol. 6, p. 272.
- Of passenger standing in aisle of car is for jury.
Lane v. Spokane Falls & N. R. Co. (Wash.), vol. 14, p. 436.
- Of passenger will not prevent recovery for recklessness and willfulness.
Illinois Cent. R. Co. v. Brown (Miss.), vol. 19, p. 681.
- Of person assisting passenger, question for jury.
St. Louis, etc., Ry. Co. v. Tomlinson (Ark.), vol. 22, p. 682.
- Order of conductor to take up dangerous position.
Aufdenberg v. St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 3, p. 323.
- Saunders v. Southern Pac. Co.* (Utah), vol. 4, p. 13.
- Passenger assuming risk when alighting at other point than at station.
Bohannon v. Southern Ry. Co. (Ky.), vol. 23, p. 548.
- Passenger attempting to cross track near a train killed by another train.
Chicago & E. I. R. Co. v. Chancellor (Ill.), vol. 10, p. 842.
- Passenger carelessly stepping down from car not having sufficient steps is guilty of.
Coburn v. Philadelphia, W. & B. R. Co. (Pa.), vol. 20, p. 34.
- Passenger compelled to sleep on top of stock car attempting to walk from one car to another.
Neville v. St. Louis, etc., Ry. Co. (Mo.), vol. 20, p. 196.
- Passenger crossing track at station to board train not guilty of negligence as a matter of law in failing to stop, look and listen.
Betts v. Lehigh Val. R. Co. (Pa.), vol. 14, p. 299.
- Passenger crossing track at station to board train without looking and listening, question for jury.
Beecher v. Long Island R. Co. (N. Y.), vol. 12, p. 295.

—Continued.

- Passenger going on platform before train stops is guilty of contributory negligence.
Hick v. Georgia S. & F. Ry. Co. (Ga.), vol. 14, p. 279.
- Passenger going on platform of car at station, question for jury.
McCurrie v. Southern Pac. Co. (Cal.), vol. 12, p. 170.
- Passenger leaving seat not guilty of contributory negligence per se.
Agulino v. New York, N. H. & H. R. Co. (R. I.), vol. 14, p. 314.
- Burr v. Pennsylvania R. Co.* (N. J.), vol. 16, p. 162.
- Passenger voluntarily approaching burning oil tank.
Conroy v. Chicago, St. P. M. & O. Ry. Co. (Wis.), vol. 8, p. 714.
- Passenger voluntarily placing himself in position of danger.
Fisher v. West Virginia & P. R. Co. (W. Va.), vol. 4, p. 86.
- Permanent injuries, subsequent contributory negligence.
Fullerton v. Fordyce (Mo.), vol. 10, p. 729.
- Person alighting from street car, passing behind it. and starting across parallel track without looking to see if another car was approaching.
Baltimore Traction Co. v. Helms (Md.), vol. 6, p. 651.
- Person injured in boarding train by passing over the sloping part of the platform instead of going down steps.
Rathgebe v. Pennsylvania R. Co. (Pa.), vol. 6, p. 288.
- Position of passenger.
Aufdenberg v. St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 3, p. 323.
- Question for jury.
Albion Lumber Co. v. De Nobra (U. S.), vol. 3, p. 564.
- Bronson v. Oakes* (C. C. A.), vol. 9, p. 166.
- Exton v. Central R. Co. of New Jersey* (N. J.), vol. 14, p. 240.
- Nelson v. Southern Pac. Co.* (Utah), vol. 14, p. 374.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

Questions of law and fact.

Schaefer *v.* St. Louis & S.
R. Co. (Mo.), vol. 2, p. 224.Question whether a passenger
standing in aisle of car is
guilty of is for jury.Lane *v.* Spokane Falls & N.
Ry. Co. (Wash.), vol. 14,
p. 436.Remaining in car after plat-
form lights were extin-
guished.St. Louis, etc., Ry. Co. *v.*
Battle (Ark.), vol. 22, p.
700.Riding on bumper of street
car.Nieboer *v.* Detroit Electric
Railway (Mich.), vol. 23,
p. 93.Riding on front platform of
street car not conclusive evi-
dence of contributory negli-
gence.Bradley *v.* Second Ave. R.
Co. (N. Y.), vol. 12, p. 184.

Riding on platform.

Chesapeake, etc., Ry. Co. *v.*
Lang (Ky.), vol. 6, p. 776.Fisher *v.* West Virginia &
P. R. Co. (W. Va.), vol.
4, p. 86.Mann *v.* Philadelphia Trac-
tion Co. (Pa. St.), vol. 4,
p. 260.Ward *v.* Chicago, M. & St.
P. R. Co. (Wis.), vol. 14,
p. 322.Watson *v.* Portland & G. E.
Ry. Co. (Me.), vol. 11, p.
194.Riding on platform, going on
platform of moving car is
negligence as matter of law.
Louisville & N. R. Co. *v.*
Head (Ky.), vol. 19, p. 302.Riding on platform or steps
bars recovery.Sanders *v.* Chicago, R. I. &
P. Ry. Co. (Okla.), vol. 18,
p. 244.Riding on platform or steps is
negligence per se.East Omaha St. R. Co. *v.*
Godola (Neb.), vol. 7, p.
300.Riding on platform or step of
crowded car.Lake Shore & M. S. Ry. Co.
v. Kelsey (Ill.), vol. 16,
p. 82.

Riding on running board of

ID—16

—Continued.

street car.

Hassen *v.* Nassau Elec. R.
Co. (N. Y.), vol. 12, p. 1.Riding on top of car will not
prevent recovery for reck-
lessness and willfulness.Chicago, etc., Ry. Co. *v.*
Bosworth (U. S.), vol. 19,
p. 680.

Riding upon steps of car.

Cleveland, etc., R. Co. *v.*
Moneyhun (Ind.), vol. 5, p.
682.Riding with arm projecting
from car window, question
for jury.Kird *v.* New Orleans, etc.,
R. Co. (La.), vol. 20, p. 930.Right of passenger to assume
that he may cross train to
station in safety a question
for jury.Alabama, G. & S. Ry. Co. *v.*
Coggins (C. C. A.), vol.
12, p. 109.Right of passenger to rely on
conductor's promise to notify
him of arrival at destination.Louisville & N. R. Co. *v.*
Quick (Ala.), vol. 20, p. 25.Right of passenger to rely on
information of one acting as
ticket agent.Gulf, C. & S. F. Ry. Co. *v.*
Moorman (Tex.), vol. 11,
p. 157.Right of passenger to rely on
information of ticket agent
as to trains.Gulf, C. & S. F. Ry. Co. *v.*
Moorman (Tex.), vol. 11,
p. 157.Shipper riding unnecessarily
in freight car by permission
of trainmen.Walker *v.* Green (Kan.), vol.
14, p. 366.Sleeping in exposed situation
where breach of contract to
carry.Mewethy *v.* Detroit, G. R. &
W. Co. (Mich.), vol. 22, p.
691.Standing on platform of
crowded car not contributory
negligence.Trumbull *v.* Erickson (C. C.
A.), vol. 17, p. 93.Standing on steps of crowded
street car.Pray *v.* Omaha St. R. Co.
(Neb.), vol. 2, p. 299.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

Stepping from stationary car on track at switch.

Kellogg v. Smith (Mass.), vol. 23, p. 80.

Stepping off insufficiently lighted platform.

Bradley v. Grand Trunk R. Co. (Mich.), vol. 2, p. 281.

Stopping of electric car at dangerous place.

Vasele v. Grant St. Electric Ry. Co. (Wash.), vol. 9, p. 75.

Taking passage in baggage car as contributory negligence.

Baltimore & Potomac R. Co. v. Swann (Md.), vol. 2, p. 187.

The negligent and terrifying acts and exclamations of brakeman in a caboose of a mixed freight and passenger train were such as to reasonably cause a passenger in caboose to believe that a wreck was imminent, and he jumped from the train and was injured. It appeared that brakeman had no express duty to perform in or about the caboose, nor in the direction of the passengers, and that there was no reason for his alarm: *held*, that the railway company was liable for the injuries.

Ephland v. Missouri Pac. Ry. Co. (Mo.), vol. 7, p. 579.

Tripping over employee.

Connor v. Concord & M. R. Co. (N. H.), vol. 2, p. 281.

Whether contributory negligence as matter of law to step into hole in platform.

Indianapolis St. Ry. Co. v. Robinson (Ind.), vol. 23, p. 628.

Whether passenger left the car to avoid injury, sufficiency of evidence.

Gradert v. Chicago & N. W. Ry. Co. (Iowa), vol. 20, p. 118.

Yielding seat to infirm passenger not contributory negligence.

Trumbull v. Erickson (C. C. A.), vol. 17, p. 93.

Criminal law, discrimination.

State v. Southern Ry. Co. (N. Car.), vol. 11, p. 228.

—Continued.

Damages.

Apportionment of damages under Georgia statute where negligence of carrier and passenger is concurrent.

Alabama, G. S. Ry. Co. v. Coggins (C. C. A.), vol. 12, p. 109.

Ejection.

Charleston, etc., R. Co. v. Varnadore (Ga.), vol. 2, p. 162.

Cox v. Los Angeles Ter. R. Co. (Cal.), vol. 2, p. 162.

Gulf, C. & S. F. R. Co. v. Sparger (Tex. Civ. App.), vol. 2, p. 161.

Laird v. Pittsburgh Traction Co. (Pa. St.), vol. 2, p. 161.

Lexington & E. Ry. Co. v. Lyons (Ky.), vol. 11, p. 212.

Louisville & N. R. Co. v. Blair (Tenn.), vol. 17, p. 159.

St. Louis S. W. R. Co. v. Huffman (Tex. Civ. App.), vol. 2, p. 162.

Schmitt v. Milwaukee St. R. Co. (Wis.), vol. 2, p. 161.

Yagelmeyer v. Cincinnati, S. & M. R. Co. (Mich.), vol. 2, p. 161.

Ejection, counsel's fees as exemplary damages.

Winters v. Cowan (Ohio), vol. 12, p. 40.

Ejection, excessive damages for.

Chamberlain v. Lake Shore & M. S. Ry. Co. (Mich.), vol. 17, p. 241.

Lexington & E. Ry. Co. v. Lyons (Ky.), vol. 11, p. 212.

Zion v. Southern Pac. R. Co. (U. S.), vol. 2, p. 167.

Ejection, exemplary damages, question for jury.

Barker v. St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 2, p. 157.

Ejection from train.

Sloane v. Southern California R. Co. (Cal.), vol. 4, p. 182.

Elements of damages for carrying sleeping passenger beyond destination.

Airey v. Pullman Palace Car Co. (La.), vol. 11, p. 836.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

—Continued.

Elements of damage for failure to carry.

Louisville & N. R. Co. *v.* Spinks (Ga.), vol. 12, p. 48.

Evidence of character of business and profits.

Chicago, R. I. & P. Ry. Co. *v.* Posten (Kan.), vol. 11, p. 138.

Evidence of custom requiring ladies to have escort, in action for carrying passenger beyond destination.

Dorsey *v.* Central of Georgia Ry. Co. (Ga.), vol. 21, p. 566.

Excessive verdict.

Atchison, Topeka & Santa Fe R. Co. *v.* Hughes (Kan.), vol. 2, p. 248.

Fremont, E. & M. V. R. Co. *v.* French (Neb.), vol. 4, p. 365.

Excessive verdict for carrying passengers beyond station.

Louisville, etc., R. Co. *v.* Guy (Ky.), vol. 6, p. 774.

Excessive verdict for ejection.

Alabama & V. Ry. Co. *v.* Bell (Miss.), vol. 21, p. 155.

St. Louis S. W. Ry. Co. *v.* Harper (Ark.), vol. 21, p. 77.

Exemplary damages for failure to carry.

Gillman *v.* Florida Cent. & P. R. Co. (S. Car.), vol. 12, p. 125.

Exemplary damages for failure to stop at destination.

Southern Ry. Co. *v.* Hardin (Ga.), vol. 10, p. 250.

Failure to stop at destination.

Southern Ry. Co. *v.* Hardin (Ga.), vol. 10, p. 250.

Fright, but no bodily injury.

Lehigh & H. Ry. Co. *v.* Marchant (C. C. A.), vol. 10, p. 748.

Harshness of language of employee, provoked by conduct and language of passenger, in enforcing company's rules is not ground for exemplary damages.

Bullock *v.* Delaware, L. & W. R. Co. (N. J. App.), vol. 11, p. 837.

Inability to attend to business as an element of damages.

Storrs *v.* Los Angeles Trac-tion Co. (Cal.), vol. 22, p. 704.

Inconvenience to passenger voluntarily returning to destination on freight train, after having been carried beyond it.

St. Louis, I. M. & S. Ry. Co. *v.* Power (Ark.), vol. 16, p. 1.

Instructions as to damage for failure to carry.

Louisville & N. R. Co. *v.* Spinks (Ga.), vol. 12, p. 48.

Instructions in action for ejection of passenger.

Miller *v.* King (N. Y.), vol. 21, p. 376.

Measure of damages.

Judice *v.* Southern Pac. R. Co. (La. Ann.), vol. 2, p. 185.

Louisville & N. R. Co. *v.* Jackson (Ky.), vol. 4, p. 437.

Measure of damages for failure to stop at destination.

Judice *v.* Southern Pac. R. Co. (La. Ann.), vol. 2, p. 185.

Measure of damages in action ex contractu.

Chicago, B. & Q. R. Co. *v.* Spirk (Neb.), vol. 7, p. 205.

Measure of damages in action ex delicto.

Chicago, B. & Q. R. Co. *v.* Spirk (Neb.), vol. 7, p. 205.

Nervous shock owing to ejection of passenger.

Sloane *v.* Southern California R. Co. (Cal.), vol. 4, p. 182.

Nominal damages for ejection, where train had been stopped by quarantine guard.

St. Louis, I. M. & S. Ry. Co. *v.* Linam (Ark.), vol. 21, p. 5.

Nominal damages for failure to fill out thousand-mile ticket.

Holden *v.* Rutland R. Co. (Vt.), vol. 21, p. 168.

Passenger may recover for mental suffering caused by agent selling her a ticket for wrong route.

Texas & P. Ry. Co. *v.* Armstrong (Tex.), vol. 14, p. 256.

Passenger wrongfully ejected must not increase damages.

Bader *v.* Southern Pac. R. Co. (La.), vol. 17, p. 60.

CARRIERS OF PASSENGERS

—*Continued.*

Punitive damages for ejection.
Baltimore, C. & A. Ry. Co.
v. Kirby (Md.), vol. 18, p.
248.

Punitive damages for injury
to passenger while alight-
ing.

Glover *v.* Charleston & S.
Ry. Co. (S. Car.), vol. 17,
p. 102.

Punitive damages for insult-
ing passenger.

Jackson Electric Ry., Light
& Power Co. *v.* Lowry
(Miss.), vol. 23, p. 103.

Punitive damages for mali-
cious assault by conductor
on street railway passenger.
Lexington Ry. Co. *v.* Cozine
(Ky.), vol. 23, p. 624.

Punitive damages for mali-
cious or wanton acts of serv-
ant.

Ristine *v.* Blocker (Colo.),
vol. 18, p. 139.

Purchase of wearing apparel,
in action for loss of trunks.
Merrill *v.* Pacific Transfer
Co. (Cal.), vol. 21, p. 143.

Question of exemplary dam-
ages for ejection of passen-
ger properly left to jury.

Barker *v.* St. Louis, I. M. &
S. Ry. Co. (Mo.), vol. 2,
p. 157.

Right to recover exemplary
damage for injury to pas-
senger from carelessly back-
ing train.

Appleby *v.* South Carolina
& G. R. Co. (S. Car.), vol.
20, p. 581.

Right to recover for mistake
in filling out thousand-mile
ticket.

Holden *v.* Rutland R. Co.
(Vt.), vol. 21, p. 168.

Sleeping-car companies, mea-
sure of damages for loss of
passenger's property.

Cooney *v.* Pullman Palace-
Car Co. (Ala.), vol. 18, p.
587.

Degree of Care.

Central of Ga. Ry. Co. *v.*
Johnston (Ga.), vol. 12, p.
286.

Davis *v.* Chicago, M. & St.
P. R. Co. (Wis.), vol. 4,
p. 622.

Florida Cent. & P. R. Co.
v. Lucas (Ga.), vol. 16,
p. 818.

CARRIERS OF PASSENGERS

—*Continued.*

Gulf, C. & S. F. R. Co. *v.*
Warlick (Ind. Ter.), vol.
4, p. 32.

Kird *v.* New Orleans, etc.,
R. Co. (La.), vol. 20, p.
930.

Louisville & N. R. Co. *v.*
Scott (Ky.), vol. 17, p. 261.

Care required in constructing
and maintaining tracks.

Illinois Cent. R. Co. *v.* Kuhn
(Tenn.), vol. 22, p. 324.

Payne *v.* Spokane St. Ry.
Co. (Wash.), vol. 6, p. 773.

Carrier's liability, general
rule.

Chicago, B. & O. R. Co. *v.*
Wolfe (Neb.), vol. 22, p. 26.

Instruction as to care due by
carrier.

Sanders *v.* Southern Ry.
Co. (Ga.), vol. 14, p. 281.

Insurer of passenger's safety.
Fremont, E. & M. V. R. Co.

v. French (Neb.), vol. 4,
p. 365.

Liability for injury to pas-
senger.

Wheeler *v.* Grand Trunk Ry.
Co. (N. H.) vol. 23, p. 84.

Liability of carrier.

Hoyt *v.* Cleveland, C., C. &
St. L. Ry. Co. (Mich.), vol.
9, p. 818.

Derailment from negligent load-
ing of freight car, question
for jury.

Keating *v.* Detroit, B. C. &
A. R. Co. (Mich.), vol. 2,
p. 386.

Discharging Passengers.

Admissibility of evidence as
to announcement of change
of cars.

Floytrup *v.* Boston & Maine
R. Co. (Mass.), vol. 2, p.
273.

Admissibility of evidence as
to train being behind time
where plaintiff contended
that he had not time to
alight.

Killian *v.* Georgia R. Co.
(Ga.), vol. 5, p. 695.

Alighting from moving train
at direction of conductor.

Johnson *v.* Southern Ry. Co.
(S. Car.), vol. 12, p. 272.

Backing car upon passenger
leaving railroad premises.

Dallas & O. C. R. Co. *v.*
Reeman (Tex. Civ. App.),
vol. 2, p. 281.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

Burden of proof to show negligence in failing to employ conductor where passenger is injured in alighting from street car.

Palmer *v.* Winona Railway & Light Co. (Minn.), vol. 22, p. 696.

Calling of station as invitation to alight.

Barry *v.* Boston & A. R. Co. (Mass.), vol. 12, p. 245.

Carrying beyond station.

McDonald *v.* Boston & Maine R. Co. (Me.), vol. 2, p. 293.

Car starting while plaintiff was alighting, negligence question for jury.

Raub *v.* Los Angeles (Cal.), vol. 2, p. 224.

Car starting while plaintiff was alighting, question of law and fact.

Raub *v.* Los Angeles (Cal.), vol. 2, p. 224.

Duty of company to stop at station.

McDonald *v.* Boston & Maine R. Co. (Me.), vol. 2, p. 293.

Duty of company to stop train at station not scheduled, when ticket is sold from one point to a point not scheduled.

Atchison, etc., R. Co. *v.* Cameron (C. C. A.), vol. 2, p. 108.

Duty to assist infirm passenger to leave train.

Brady *v.* Old Colony R. Co. (Mass.), vol. 2, p. 280.

Daniels *v.* Western R. Co. (Ga.), vol. 2, p. 280.

Madden *v.* Port Royal & W. C. R. Co. (S. Car.), vol. 2, p. 384.

Duty to passenger alighting.

Cooper *v.* Georgia, C. & N. Ry. Co. (S. Car.), vol. 16, p. 12.

Lutz *v.* Louisville Ry. Co. (Ky.), vol. 12, p. 280.

Evidence of invitation to alight in action for injury from sudden stoppage of train.

Louisville, etc., R. Co. *v.* Bowlds (Ky.), vol. 23, p. 553.

Failure to stop at station.

Louisville, etc., R. Co. *v.* Miles (Ky.), vol. 6, p. 774.

—Continued.

Injury to passenger, on car platform, expecting to be let off, past station.

Brashear *v.* Houston Cent. A. N. R. Co. (La. Ann.), vol. 2, p. 185.

Inviting passenger to alight at dangerous place.

Chicago & A. R. Co. *v.* Winters (Ill.), vol. 12, p. 93.

Mensing *v.* Michigan Cent. R. Co. (Mich.), vol. 12, p. 223.

Inviting passenger to alight from moving train.

Cooper *v.* Georgia, C. & N. Ry. Co. (S. Car.), vol. 16, p. 12.

Rickert *v.* Southern Ry. Co. (N. Car.) vol. 12, p. 162.

Liability for carrying passengers beyond destination.

Hoyt *v.* Cleveland, C., C. & St. L. Ry. Co. (Mich.), vol. 9, p. 818.

Liability for injury to alighting passenger, question for jury.

Parlier *v.* Southern Ry. Co. (N. Car.), vol. 23, p. 559.

Liability for injury to passenger alighting from moving car after mere announcement of arrival at station.

Payne *v.* Nashville, etc., Ry. Co. (Tenn.), vol. 22, p. 677.

Liability for injury to passenger alighting from moving train in presence of conductor, question for jury.

Cooper *v.* Georgia, etc., Ry. Co. (S. Car.), vol. 22, p. 677.

Liability for injury to passenger caused by stepping on banana skin.

Goddard *v.* Boston & M. R. Co. (Mass.), vol. 21, p. 423.

Liability of company for failure of conductor to awaken passenger at destination.

Missouri, Kansas, etc., R. Co. *v.* Kendrick (Tex. Civ. App.), vol. 2, p. 179.

Liability of company for failure to let passenger off at other than regular station.

Matthews *v.* Charleston & S. R. Co. (S. Car.), vol. 2, p. 109.

CARRIERS OF PASSENGERS*—Continued.*

Liability of railroad for injury to passenger crossing intervening track to platform.

Chesapeake & O. Ry. Co. v. King (C. C. A.), vol. 17, p. 167.

Negligence a question for jury where passenger was injured by reason of ice on car step. Gilman v. Boston & M. R. R. Co. (Mass.), vol. 8, p. 478.

Not negligence to allow passenger having knowledge of the ground to alight beyond platform.

Louisville & N. R. Co. v. Keith (Ky.), vol. 19, p. 180.

Parcel thrown from train.

Winship v. New York, N. H. & H. R. R. (Mass.), vol. 10, p. 275.

Passenger injured by trunk falling on him while he was passing to the eating house from train.

Duverniet v. Morgan's Louisiana & T. R. R. & S. S. Co. (La.), vol. 6, p. 483.

Passing between station and train at high rate of speed, negligence.

Chicago, etc., Ry. Co. v. Ryan (Ill.), vol. 8, p. 754.

Promise of conductor to notify passenger of arrival at station.

St. Louis S. W. R. Co. v. McCullough (Tex. Civ. App.), vol. 3, p. 429.

Protection against weather after alighting.

Louisville & N. R. Co. v. Keller (Ky.), vol. 12, p. 89.

Question for jury, under pleading and proof, whether plaintiff was injured by reason of failure to stop train at station.

Cooper v. Georgia, etc., Ry. Co. (S. Car.), vol. 22, p. 677.

Question of fact whether passenger had time to alight.

Killian v. Georgia R., etc., Co. (Ga.), vol. 5, p. 694.

Right to pass station without stopping.

Noble v. Atchison, T. & S. F. R. Co. (Okla.), vol. 5, p. 309.

CARRIERS OF PASSENGERS*—Continued.*

Running freight train past station at a high rate of speed while passengers are alighting from another train is negligence.

Chicago & A. R. Co. v. Kelly (Ill.), vol. 17, p. 52.

Special agreement that train should stop at station.

Noble v. Atchison, T. & S. F. R. Co. (Okla.), vol. 5, p. 309.

Stoppage of train an invitation to alight.

Raub v. Los Angeles (Cal.), vol. 2, p. 281.

Sufficiency of evidence of notice to conductor of intention to leave train on part of person assisting passenger.

Berry v. Louisville & N. R. Co. (Ky.), vol. 20, p. 401.

Time allowed passengers to leave train, jumping after train starts.

Louisville & N. R. Co. v. Ricketts (Ky.), vol. 6, p. 186.

Dogs.

Gregory v. Chicago, etc., Ry. Co. (Iowa), vol. 6, p. 774.

Drover struck by overhanging shed.

Saunders v. Southern Pac. Co. (Utah), vol. 4, p. 13.

Drunkenness.

Brown v. Louisville, etc., R. Co. (Ky.), vol. 10, p. 55.

Louisville, etc., R. Co. v. Ellis (Ky.), vol. 2, p. 132.

Death of intoxicated passenger carried beyond station and expelled from depot.

Haug v. Great Northern Ry. Co. (N. Dak.), vol. 12, p. 25.

Ejection.

Edgerly v. Union St. R. Co. (N. H.), vol. 6, p. 795.

Hamilton v. Pittsburgh, etc., R. Co. (Pa.), vol. 10, p. 70.

Liability for injury to intoxicated passenger falling from train, sufficiency of evidence.

Wheeler v. Grand Trunk Ry. Co. (N. H.), vol. 23, p. 84.

Liability of company for death of intoxicated passenger after expulsion from train.

Louisville & Nashville R. Co. v. Ellis (Ky.), vol. 2, p. 132.

CARRIERS OF PASSENGERS*—Continued.*

Question of fact whether passenger was incapacitated by intoxication when received as such.

Wheeler *v.* Grand Trunk Ry. Co. (N. H.), vol. 23, p. 84.

Duties of carriers of passengers, general rules.

Baltimore & Potomac R. Co. *v.* Swann (Md.), vol. 2, p. 187.

Chicago & Alton R. Co. *v.* Byrum (Ill.), vol. 2, p. 211.

Chicago, Kansas & Western R. Co. *v.* Frazer (Kan.), vol. 2, p. 206.

Daniels *v.* Western & A. R. Co. (Ga.), vol. 2, p. 211.

East Tennessee, etc., R. Co. *v.* Miller (Ga.), vol. 2, p. 216.

Kinney *v.* Louisville & N. R. Co. (Ky.), vol. 3, p. 652.

Louisville R. Co. *v.* Park (Ky.), vol. 2, p. 211.

Texas & P. R. Co. *v.* Orr (Tex. Civ. App.), vol. 2, p. 211.

Duty of carriers of passengers as a question for jury.

Baltimore & Potomac R. Co. *v.* Swann (Md.), vol. 2, p. 187.

Duty of carrier to give notice of the danger of approaching burning oil tank.

Conroy *v.* Chicago, St. P., M. & O. Ry. Co. (Wis.), vol. 8, p. 714.

Duty of company to passenger sleeping near track.

Gulf, C. & S. F. Ry. Co. *v.* Bolton (Ind. Ter.), vol. 16, p. 130.

Duty to furnish seats.

Pray *v.* Omaha St. R. Co. (Neb.), vol. 2, p. 222.

Duty to Heat Cars and Depots.

Duty of railroad company to heat its cars, action for death of child from exposure to cold.

Ft. Worth & D. C. Railway Co. *v.* Hyatt (Tex. Civ. App.), vol. 3, p. 397.

Statute requiring heating of passenger cars.

New York, N. H. & H. R. Co. *v.* People of the State of New York (U. S.), vol. 8, p. 172.

CARRIERS OF PASSENGERS*—Continued.*

Duty to Light.

Duty to keep platform lighted after arrival of train.

St. Louis, etc., Ry. Co. *v.* Battle (Ark.), vol. 22, p. 700.

Failure to light platform must be proximate cause of passenger's injury.

Berry *v.* Louisville & N. R. Co. (Ky.), vol. 20, p. 401.

Liability for failure to light station as affected by intention to remain unreasonable time.

Chicago, etc., Ry. Co. *v.* Wood (C. C. A.), vol. 19, p. 493.

Lighting platforms.

Louisville & N. R. Co. *v.* Ricketts (Ky.), vol. 6, p. 186.

Duty to passenger boarding cars.

Appleby *v.* South Carolina & G. R. Co. (S. Car.), vol. 20, p. 581.

Duty to provide seats.

Graham *v.* McNeill (Wash.), vol. 12, p. 149.

Duty to receive passengers.

Zackery *v.* Mobile & O. R. Co. (Miss.), vol. 6, p. 267.

Ejection.

Coyle *v.* Southern Ry. Co. (Ga.), vol. 20, p. 529.

Scott *v.* Cleveland, C., C. & St. L. R. Co. (Ind.), vol. 3, p. 428.

Admissibility of evidence as to reasons for taking car in question.

Atlanta Consol. St. R. Co. *v.* Hardage (Ga.), vol. 2, p. 158.

Admissibility of evidence of plaintiff's drunkenness at time of ejection.

Raynor *v.* Wilmington, etc., R. Co. (N. Car.), vol. 23, p. 561.

Arkansas statute prohibiting ejection of passenger for refusing to pay fare at places other than stations is not applicable where ejection was for other cause.

St. Louis, I. M. & S. Ry. Co. *v.* Lewis (Ark.), vol. 20, p. 483.

CARRIERS OF PASSENGERS

—*Continued.*

- Authority of train hands.
St. Louis S. W. R. Co. *v.*
Huffman (Tex. Civ. App.),
vol. 2, p. 157.
- Blind person.
Zackery *v.* Mobile, etc., R.
Co. (Miss.), vol. 6, p. 267.
- Breach of conditions on ticket.
Central Trust Co. *v.* East
Tennessee, V. & G. R.
Co. (U. S.), vol. 2, p. 159.
- Burden of proving condition
on ticket.
Daniels *v.* Florida Cent. &
P. R. Co. (S. Car.), vol.
23, p. 107.
- Burden of proving right to
eject.
Central of Georgia Ry. Co.
v. Cannon (Ga.), vol. 14,
p. 405.
- Carrier liable where servant
uses unnecessary force.
Haver *v.* Central R. Co. of
N. J. (N. J.), vol. 17, p.
490.
- Conductor has a right to eject
a person from his car whose
sole claim to be considered a
passenger is by virtue of a
ticket void on its face.
McGhee *v.* Reynolds (Ala.),
vol. 10, p. 49.
- Conductor not wearing badge.
Cox *v.* Los Angeles Ter. R.
Co. (Cal.), vol. 2, p. 159.
- Cross-examination of plaintiff
as to habits with respect to
temperance.
Louisville & N. R. Co. *v.*
Bizzell (Ala.), vol. 23, p.
615.
- Disorderly conduct of passen-
ger.
Robinson *v.* Rockland, T. &
C. St. R. Co. (Me.), vol.
2, p. 159.
- Drunken passengers.
Hamilton *v.* Pittsburg, etc.,
R. Co. (Pa.), vol. 10, p. 70.
- Drunken passengers, subse-
quent death on track.
Brown *v.* Louisville, etc., R.
Co. (Ky.), vol. 10, p. 55.
- Louisville, etc., R. Co. *v.*
Ellis (Ky.), vol. 2, p. 132.
- Ejecting passengers from
train, scope of brakeman's
authority.
Lake Shore & M. S. R. Co.
v. Peterson (Ind.), vol. 3,
p. 427.

CARRIERS OF PASSENGERS

—*Continued.*

- Ejection at improper place.
Atlanta Consol. St. R. Co.
v. Hardage (Ga.), vol. 2, p.
158.
- Ejection at place other than
station.
Gillan *v.* Minneapolis, St.
Paul, etc., R. Co. (Wis.),
vol. 2, p. 145.
- Ejection of passenger for hav-
ing unstamped ticket who
enters on conductor's invita-
tion.
International & G. N. R. Co.
v. Best (Tex.), vol. 17, p.
153.
- Ejection of passenger riding
on expired ticket.
Southern Ry. Co. *v.* Howard
(Ga.), vol. 18, p. 758.
- Ejection of passenger who has
failed to comply with con-
ditions on tickets.
Dangerfield *v.* Atchison, T.
& S. F. R. Co. (Kan.), vol.
17, p. 650.
- Employee's authority need not
be proven in action for ma-
licious ejection.
St. Louis & S. F. R. Co. *v.*
Kilpatrick (Ark.), vol. 17,
p. 212.
- Evidence.
Lexington & E. Ry. Co. *v.*
Lyons (Ky.), vol. 11, p.
212.
- Evidence of conductor's con-
duct.
Iseman *v.* South Carolina &
G. R. Co. (S. Car.), vol. 11,
p. 219.
- Excessive damages.
Louisville & N. R. Co. *v.*
Ray (Tenn.), vol. 11, p.
174.
- Wenz *v.* Savannah, F. & W.
Ry. Co. (Ga.), vol. 15, p.
844.
- Excessive damages for threats
of ejection.
Mueller *v.* Chicago, B. & N.
Ry. Co. (Minn.), vol. 12,
p. 137.
- Exemplary damages.
Allen *v.* Wilmington & W.
R. Co. (N. Car.), vol. 8, p.
257.
- Atchison, etc., R. Co. *v.* Long
(Kan. App.), vol. 6, p. 774.
- Lexington & E. Ry. Co.
v. Lyons (Ky.), vol. 11, p.
212.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

Exemplary damages for im-
plied malice.Cowen *v.* Winters (C. C. A.),
vol. 16, p. 107.Exemplary damages, plead-
ing.Louisville & N. R. Co. *v.*
Ray (Tenn.), vol. 11, p. 174.Exemplary damages where
malice is shown.Smith *v.* Philadelphia, W.
& B. R. Co. (Md.), vol. 10,
p. 264.Expulsion of passenger travel-
ing on ticket issued by one
of consolidating companies
before consolidation, right
of action.Tompkins *v.* Augusta South-
ern R. Co. (Ga.), vol. 11,
p. 587.Expulsion of police officer from
train.Missouri, K. & T. R. Co. *v.*
Sanders (Tex. Civ. App.),
vol. 3, p. 427.Fact that passenger's ticket
was purchased on Sunday is
immaterial, in action to re-
cover for.Materson *v.* Chicago & N.
W. Ry. Co. (Wis.), vol. 14,
p. 395.Failure of passenger to change
car and take most direct
route where there are two
roads.Church *v.* Chicago, Mil-
waukee, etc., R. Co. (S.
Dak.), vol. 2, p. 1.For failure to have round-trip
ticket stamped where ticket
agent could not be found.Southern Ry. Co. *v.* Wood
(Ga.), vol. 23, p. 555.Former acceptance of less
than usual fare and offer of
passenger to pay difference.Cox *v.* Los Angeles Ter. R.
Co. (Cal.), vol. 2, p. 158.

General and special findings.

Atchison, Topeka, etc., R.
Co. *v.* Brown (Kan.), vol.
2, p. 113.

Good faith of conductor.

Pittsburgh, Cincinnati, etc.,
R. Co. *v.* Russ (C. C. A.),
vol. 2, p. 141.

Instructions.

Atchison, etc., R. Co. *v.*
Long (Kan. App.), vol. 6,
p. 774.

—Continued.

Liability for death of ejected
passenger not happening at
place of her ejection.Southern Ry. Co. in Missis-
sippi *v.* Miller (Miss.),
vol. 22, p. 680.Liability for ejection of
drunken passenger at dan-
gerous place.Bohannon *v.* Southern Ry.
Co. (Ky.), vol. 23, p. 548.Liability for wrongful ejection
of passenger without
force.Bohannon *v.* Southern Ry.
Co. (Ky.), vol. 23, p. 548.Liability of carrier for ejection
of passenger given
wrong ticket by agent.Spink *v.* Louisville & N. R.
Co. (Ky.), vol. 16, p. 86.Liability of carrier for ejection
of passenger holding
excursion ticket, who has
not been identified in accord-
ance with condition on
ticket.Central of Georgia Ry. Co.
v. Cannon (Ga.), vol. 14,
p. 405.Liability of carrier where
passenger's ejection was
caused through mistake of
ticket agent.Louisville & N. R. Co. *v.*
Hine (Ala.), vol. 14, p. 382.Liability of company for death
of intoxicated passenger
after expulsion from train.Louisville & N. R. Co. *v.*
Ellis (Ky.), vol. 2, p. 132.Liability of company for ex-
pulsion by lessee of train.Chesapeake & O. R. Co. *v.*
Osborne (Ky.), vol. 2, p.
157.Liability of railroad for act
of conductor in expelling
passenger.Higgins *v.* Southern Ry. Co.
(Ga.), vol. 5, p. 694.Minor passenger may be
ejected for failure to pay
fare for child accompanying
her.Warfield *v.* Louisville & N.
R. Co. (Tenn.), vol. 17, p.
135.

Mistake of ticket agent.

Alabama & V. Ry. Co. *v.*
Holmes (Miss.), vol. 10, p.
270.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

- Atlanta Consol. St. R. Co. *v.*
Keeny (Ga.), vol. 5, pp.
305, 308.
- Ellsworth *v.* Chicago, Bur-
lington, etc., R. Co.
(Iowa), vol. 2, p. 80.
- Louisville & N. R. Co. *v.*
Gaines (Ky.), vol. 5, p.
226.
- Negligence, question for jury.
Eidson *v.* Southern Ry. Co.
(Miss.), vol. 11, p. 832.
- Nonpayment of fare.
Atchison, Topeka, etc., R.
Co. *v.* Brown (Kan.), vol.
2, p. 113.
- Cox *v.* Los Angeles Ter. R.
Co. (Cal.), vol. 2, p. 158.
- Passenger injured by being
pushed off moving car by
employee.
Sharer *v.* Paxson (Pa.), vol.
2, p. 429.
- Passenger who boarded train
under the advice of conductor
of another train.
Allen *v.* Wilmington & W.
R. Co. (N. Car.), vol. 8, p.
257.
- Place of ejection for nonpay-
ment of fare.
Kansas City, P. & G. R. Co.
v. Holden (Ark.), vol. 16,
p. 116.
- Place other than station.
Gillan *v.* Minneapolis, St.
Paul, etc., R. Co. (Wis.),
vol. 2, p. 145.
- Police, expulsion from train.
Missouri, K. & T. R. Co. *v.*
Sanders (Tex. Civ. App.),
vol. 3, p. 427.
- Presumption that plaintiff was
a passenger.
Iseman *v.* South Carolina &
G. R. Co. (S. Car.), vol.
11, p. 219.
- Profanity.
O'Loughlin *v.* Boston & M.
R. Co. (Mass.), vol. 2, p.
160.
- Robinson *v.* Rockland, T.
& C. St. R. Co. (Me.), vol.
2, p. 159.
- Province of jury.
Charleston & S. R. Co. *v.*
Varnadore (Ga.), vol. 2, p.
156.
- Proximate cause of injury.
St. Louis & S. F. R. Co. *v.*
Kilpatrick (Ark.), vol. 17,
p. 212.

—Continued.

- Push by employee when de-
ceased attempted to get off
car.
- Sharer *v.* Paxson (Pa.), vol.
2, p. 429.
- Remarks of counsel.
Kansas City, Ft. Scott, etc.,
R. Co. *v.* Sokol (Ark.),
vol. 2, p. 148.
- Resistance.
Pittsburgh, Cincinnati, etc.,
R. Co. *v.* Russ (C. C. A.),
vol. 2, p. 141.
- Returning of fare to passenger
whose minor child has been
ejected.
Braun *v.* Northern Pac. Ry.
Co. (Minn.), vol. 17, p. 139.
- Right of action of female
passenger, having neither
ticket nor money for ejection
in perilous locality.
Jackson *v.* Alabama & V.
Ry. Co. (Miss.), vol. 14, p.
392.
- Right to eject passenger be-
yond destination, who had
failed to alight.
St. Louis, I. M. & S. Ry. Co.
v. Lewis (Ark.), vol. 20, p.
483.
- Right to eject passenger
boarding train at improper
place after he has been ac-
cepted as passenger and has
tendered his fare.
Kansas City, P. & G. R.
Co. *v.* Holden (Ark.), vol.
16, p. 116.
- Right to eject passenger for
failure to pay fare for his
minor child.
Braun *v.* Northern Pac. Ry.
Co. (Minn.), vol. 17, p. 139.
- Right to eject passenger where
the time limit of his ticket
has expired.
Southern Ry. Co. *v.* Watson
(Ga.), vol. 18, p. 209.
- Rules and regulations.
Decker *v.* Atchison, Topeka,
etc., R. Co. (Okla.), vol. 2,
p. 118.
- Scope of brakeman's author-
ity.
Lake Shore & M. S. R. Co.
v. Peterson (Ind.), vol. 3,
p. 427.
- Smoking contrary to rules.
Nelson *v.* Salt Lake R. T.
Co. (Utah), vol. 2, p. 156.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

—Continued.

Sufficiency of allegation as to use of excessive force in ejecting passengers.

McGhee v. Reynolds (Ala.), vol. 22, p. 17.

Sufficiency of evidence as to wrongful ejection of passengers.

Alabama & V. Ry. Co. v. Bell (Miss.), vol. 21, p. 155.

Sufficiency of evidence of malice and wantonness.

Ristine v. Blocker (Colo.), vol. 18, p. 139.

Sufficiency of evidence of right to return passage.

Daniels v. Florida Cent. & P. R. Co. (S. Car.), vol. 23, p. 107.

Ticket good for one day only bearing wrong date.

Ellsworth v. Chicago, Burlington, etc., R. Co. (Iowa), vol. 2, p. 80.

Waiver of right of action for ejection for failure to have round-trip ticket stamped.

Southern Ry. Co. v. Wood (Ga.), vol. 23, p. 555.

Where passenger refuses to show ticket or to pay fare.

Price v. Chesapeake & O. R. Co. (W. Va.), vol. 14, p. 399.

Where ticket was limited to a particular time stamped upon it.

McGhee v. Drisdale (Ala.), vol. 6, p. 774.

Whether force was used, question for jury.

Raynor v. Wilmington, etc., R. Co. (N. Car.), vol. 23, p. 561.

Whether remedy for wrongful ejection is an action *ex delicto* or *ex contractu*.

Chicago, B. & Q. R. Co. v. Spirk (Neb.), vol. 7, p. 205.

Estoppel to deny authority of clerk assuming to be general passenger agent.

Southern Ry. Co. v. Marshall (Ky.), vol. 23, p. 82.

Evidence.

Accommodation trains, expert testimony.

Gray v. Chicago, M. & St. P. R. Co. (Ill.), vol. 21, p. 252.

Admissibility of evidence as to

announcement of change of cars.

Floytrup v. Boston & Maine R. Co. (Mass.), vol. 2, p. 273.

Burden of proof to show that person taking up tickets was not conductor.

Coursey v. Southern Ry. Co. (Ga.), vol. 21, p. 412.

Burden of proving negligence in failing to employ conductor where passenger is injured in alighting from street car.

Palmer v. Winona Railway & Light Co. (Minn.), vol. 22, p. 696.

Company chargeable with trainmen's knowledge of passenger's injuries.

Wheeler v. Grand Trunk Ry. Co. (N. H.), vol. 23, p. 84.

Declaration of conductor where passenger is ejected.

Barker v. St. Louis, etc., R. Co. (Mo.), vol. 2, p. 157.

Declarations of plaintiff with respect to her injuries.

Hall v. Cedar Rapids, etc., Ry. Co. (Iowa), vol. 23, p. 316.

Evidence of conductor's knowledge that plaintiff injured by sudden stoppage of car was a cripple.

Louisville, etc., R. Co. v. Bowlds (Ky.), vol. 23, p. 553.

Hearsay evidence of what plaintiff said to physician in action for injuries to passenger.

Webber v. St. Paul City Ry. Co. (Minn.), vol. 6, p. 775.

If the judge is satisfied that the declarations of the deceased police officer were made in good faith they are admissible in action for illegal arrest of passenger.

Dixon v. New England R. Co. (Mass.), vol. 22, p. 10.

Impeaching evidence of train hand who has ejected passenger.

Missouri, K. & T. R. Co. v. Sanders (Tex. Civ. App.), vol. 3, p. 428.

Instructions as to credibility of witnesses in action for ejection.

Schmitt v. Milwaukee St. R. Co. (Wis.), vol. 2, p. 156.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

Physician's testimony.

Missouri, K. & T. R. Co. v. Sanders (Tex. Civ. App.), vol. 3, p. 428.

Presumption of negligence.

Florida Cent. & P. R. Co. v. Rudolph (Ga.), vol. 21, p. 6.

Presumption of negligence from injury to party in charge of live stock.

New York, C. & St. Louis R. Co. v. Blumenthal (Ill.), vol. 4, p. 174.

Rebuttal of presumptions of negligence.

Florida Cent. & P. R. Co. v. Rudolph (Ga.), vol. 21, p. 6.

Records of former suits as evidence in action for ejection.

Chamberlain v. Lake Shore & M. S. Ry. Co. (Mich.), vol. 17, p. 241.

Sufficiency of evidence of breach of contract for carriage.

Southern Ry. Co. v. Wood (Ga.), vol. 23, p. 611.

Sufficiency of evidence of failure to use due care in discovering his peril, to support verdict for plaintiff in action for injury sustained by him while riding on freight train.

Merrieles v. Wabash R. Co. (Mo.), vol. 22, p. 158.

Ticket as evidence in action for ejection.

Lexington & E. Ry. Co. v. Lyons (Ky.), vol. 11, p. 212.

Excursion trains, care due passengers on.

Ward v. Chicago, M. & St. P. R. Co. (Wis.), vol. 14, p. 322.

Exemption from Liability.

Carrier cannot stipulate for exemption from liability for servant's negligence.

Williams v. Oregon Short-Line R. Co. (Utah), vol. 12, p. 61.

Contract by shipper exempting company from liability in consideration of pass does not bind minor agent.

Chicago, R. I. & P. Ry. Co. v. Lee (C. C. A.), vol. 14, p. 265.

Contract exempting carriers

—Continued.

from liability for injury to express messenger valid.

Baltimore & O. S. W. Ry. Co. v. Voigt (U. S.), vol. 17, p. 111.

Contract releasing carrier from liability for negligence to employee of sleeping car company inures to benefit of company transporting car.

Russell v. Pittsburgh, etc., Ry. Co. (Ind.), vol. 23, p. 601.

Drover, carrier exempting himself from liability for negligence.

Saunders v. Southern Pac. Co. (Utah), vol. 4, p. 13.

Exemption from liability for death of messenger.

Pittsburg, C. & St. L. Ry. Co. v. Mahony (Ind.), vol. 8, p. 441.

Exemption from liability in consideration of free carriage of stockmen.

Louisville & M. R. Co. v. Bell (Ky.), vol. 8, p. 414.

Exemption of railroad company from liability for injury to express messenger.

Louisville, N. A. & C. Ry. Co. v. Keefer (Ind.), vol. 5, p. 26.

Injury to news agent.

Starr v. Great Northern Ry. Co. (Minn.), vol. 7, p. 778.

Private carrier.

Louisville, N. A. & C. Ry. Co. v. Keefer (Ind.), vol. 5, p. 26.

Scope of contract releasing carrier from liability for negligence to employee of sleeping car company.

Russell v. Pittsburgh, etc., Ry. Co. (Ind.), vol. 23, p. 601.

Stipulation of exemption from liability for negligence, void.

Doyle v. Fitchburg R. Co. (Mass.), vol. 5, p. 257.

Validity of contract releasing carrier from liability for negligence to employee of sleeping car company.

Russell v. Pittsburgh, etc., Ry. Co. (Ind.), vol. 23, p. 601.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

—Continued.

Explosion of oil tank.

Conroy v. Chicago, St. P., M.
& O. Ry. Co. (Wis.), vol. 8,
p. 715.Failure of carrier to restrain
passenger by physical force
from taking an exposed position.Conroy v. Chicago, St. P., M.
& O. Ry. Co. (Wis.), vol. 8,
p. 715.Failure to carry, action ex delicto
will not lie where contract
was executory and voluntarily made.Louisville & N. R. Co. v.
Spinks (Ga.), vol. 12, p. 48.Failure to inform passenger of
approach of train.Lewis v. President, etc.,
Canal Co. (N. Y.), vol. 2, p.
192.False statements of ticket agents
as to movements of trains.Fowlks v. Southern Ry. Co.
(Va.), vol. 14, p. 250.Federal courts not bound to follow
state decisions on questions
relating to the carriage
of freight or passengers.Whitney v. New York, etc.,
R. Co. (C. C. A.), vol. 19,
p. 184.Fellow passenger's act causing
injury does not render company
liable.McDonnell v. New York Cent.
& H. R. R. Co. (N. Y.), vol.
12, p. 175.

Floods.

Burden of proving freedom
from negligence where
passenger is injured in derailment
caused by extraordinary flood.Illinois Cent. R. Co. v. Kuhn
(Tenn.), vol. 22, p. 324.Failure to warn passengers of
danger created by washing
away of embankments which
caused overturning of cars.
Southern Pac. Co. v. Tarin
(C. C. A.), vol. 21, p. 928.Liability for failure to provide
culvert able to withstand
extraordinary flood, where a
passenger was injured.Illinois Cent. R. Co. v. Kuhn
(Tenn.), vol. 22, p. 324.Plaintiff was delayed upon
defendant's railroad by aflood and highwater, upon
advice of defendant's agent
he sought transportation
over a second road, where
he was again delayed. It
was held that defendant was
liable for the expense incurred
by plaintiff, including that
incident to the unavoidable
delay on the line of the second carrier.Turner v. Great Northern R.
Co. (Wash.), vol. 5, p. 238.

Foot-stools.

Madden v. Port Royal & W.
C. R. Co. (S. Car.), vol. 2,
p. 280.

Free Passes.

Contract to procure.

Curry v. Kansas, etc., Ry.
Co. (Kan.), vol. 8, p. 755.

Discrimination.

State v. Southern Ry. Co.
(N. Car.), vol. 11, p. 228.

Interstate commerce.

Curry v. Kansas, etc., Ry.
Co. (Kan.), vol. 8, p. 755.Liability for injury to person
riding gratuitously.Russell v. Pittsburgh, etc.,
Ry. Co. (Ind.), vol. 23, p.
601.Validity of printed conditions
in passes issued to employees.Whitney v. New York, etc.,
R. Co. (C. C. A.), vol. 19,
p. 184.

Freight Trains:

Care due passenger.

Delaware, L. & W. R. Co. v.
Ashley (C. C. A.), vol. 2,
p. 212.Steele v. Southern Ry. Co.
(S. Car.), vol. 14, p. 350.Care due to shipper riding in
stock car on shipper's pass.
Chicago, R. I. & P. Ry. Co.
v. Lee (C. C. A.), vol. 14,
p. 264.Duty to person riding on
freight train by sufferance
of trainmen.Dalton v. Louisville & N. R.
Co. (Ky.), vol. 17, p. 768.Failure to have conductor on,
is negligence as a matter of
law.Means v. Carolina Cent. R.
Co. (N. Car.), vol. 14, p.
363.

CARRIERS OF PASSENGERS

—Continued.

- Highest degree of care due passenger on.
Sprague v. Southern Ry. Co. (C. C. A.), vol. 14, p. 356.
- Injury to passenger on freight car.
Beyer v. Louisville & N. R. Co. (Ala.), vol. 9, p. 819.
- Liability of railroad company for injury to licensee on freight train.
Cleveland, C. C. & St. L. Ry. Co. v. Best (Ill.), vol. 9, p. 660.
- Liability of railroad company for injury to passenger on freight train.
Heyward v. Boston & A. R. Co. (Mass.), vol. 10, p. 260.
- Passengers.
Arkansas Midland R. Co. v. Griffith (Ark.), vol. 9, p. 846.
- Passenger on freight train cannot demand to be carried to other than regular stopping place of such train.
Southern Ry. Co. v. Howard (Ga.), vol. 18, p. 758.
- Passenger riding in freight car.
Schilling v. Winona, etc., R. Co. (Minn.), vol. 5, p. 694.
- Right of action of passenger on freight train injured through negligence in stopping train.
Garland v. Southern Ry. Co. (Ga.), vol. 18, p. 759.
- Right of person to board freight train, without permit, relying on ticket agent's representations.
Louisville & N. R. Co. v. Hine (Ala.), vol. 14, p. 382.
- Right of sheriff to ride on freight train.
Allen v. Lake Shore & M. S. Ry. Co. (Ohio), vol. 9, p. 25.
- Shipper riding unnecessarily in freight car with permission of trainmen, is guilty of contributory negligence.
Walker v. Green (Kan.), vol. 14, p. 366.
- The negligent and terrifying acts and exclamations of a brakeman in the caboose of a mixed freight and passen-

CARRIERS OF PASSENGERS

—Continued.

- ger train were such as to reasonably cause a passenger in the caboose to believe that a wreck was eminent, and he jumped from the train and was injured. It appeared that the brakeman had no express duty to perform in or about the caboose, nor in the direction of the passenger, and that there was no reason for his alarm: *held*, that the railway company was liable for the injuries.
Ephland v. Missouri Pac. Ry. Co. (Mo.), vol. 7, p. 579.
- Gross negligence in constructing platform so as to cause obstruction to train when cotton is piled upon it.
Kird v. New Orleans, etc., R. Co. (La.), vol. 20, p. 930.
- Ice on car step.
Gilman v. Boston & M. R. R. (Mass.), vol. 8, p. 478.
- Implied invitation to enter station.
Gray v. Boston & M. R. R. (Mass.), vol. 8, p. 481.
- Implied invitation to enter train.
Jones v. New York Cent. & H. R. Co. (N. Y.), vol. 11, p. 185.
- Injuries to express companies.
Voight v. Baltimore & O. S. W. Ry. Co. (Ohio), vol. 9, p. 835.
- Injury to passenger by starting car.
Conway v. New Orleans & C. R. Co. (La. Ann.), vol. 2, p. 222.
- Louisville, etc., R. Co. v. Hale (Ky.)*, vol. 10, p. 73.
- Merritt v. New York, N. H. & H. R. Co. (Mass.)*, vol. 2, p. 223.
- Raub v. Los Angeles T. R. Co. (Cal.)*, vol. 2, p. 223.
- Injury to passenger by throwing mail sack from train.
Hughes v. Chicago & Alton R. Co. (Mo.), vol. 2, p. 284.
- Injury to passenger during receivership.
Texas & P. Ry. Co. v. Manton (U. S.), vol. 9, p. 850.
- Injury to passenger in express car.
Fremont, etc., Ry. Co. v. Root (Neb.), vol. 8, p. 754.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

—Continued.

Injury to passenger on caboose.
Felton v. Horner (Tenn.), vol. 8, p. 79.

Injury to passenger on street car, facts to be considered in determining the question of negligence.

Conway v. Lewiston, etc., R. Co. (Me.), vol. 8, p. 770.

Injury to passenger on street car, liability of company.

Conway v. Lewiston, etc., R. Co. (Me.), vol. 8, p. 769.

Injury to passenger on street car, presumption of negligence.

Electric Ry. Co. v. Carson (Ga.), vol. 8, pp. 769, 770.

Injury to passengers through defective roadbed.

Smedley v. Hestonville, M. & S. F. Passenger Ry. Co. (Pa.), vol. 9, p. 649.

Injury to stockmen.

Louisville & N. R. Co. v. Bell (Ky.), vol. 8, p. 413.

Injury to third person through ejection of drunken person from station.

Gray v. Boston & M. R. R. (Mass.), vol. 8, p. 481.

Inspection of cars.

Keating v. Detroit, B. C. & A. R. Co. (Mich.), vol. 2, p. 222.

Inspection of trains.

Proud v. Philadelphia & R. R. Co. (N. J.), vol. 18, p. 633.

Instruction as to negligence in starting train.

Johnson v. Southern Ry. Co. (S. Car.), vol. 12, p. 273.

Insults, passenger's right of action.

Cole v. Atlanta & W. P. R. Co. (Ga.), vol. 12, p. 14.

Joinder of parties.

Atlantic & P. Ry. Co. v. Laird (U. S.), vol. 8, p. 365.

Joint negligence of two carriers causing injury to passenger.

Atlantic & P. Ry. Co. v. Laird (U. S.), vol. 8, p. 365.

West Chicago St. R. Co. v. Piper (Ill.), vol. 9, p. 147.

Jolts and Jars.

Jerking of train not negligence with respect to passenger standing on car platform after announcement of station.

Louisville & N. R. Co. v.

Morris (Ky.), vol. 21, p. 380.

Leaving car door open and causing sudden jerk of train, injuring passenger closing door, is actionable negligence.

Denver & R. G. R. Co. v. Bedell (Colo.), vol. 12, p. 141.

Negligence in allowing passenger to go on car platform.

Floytrup v. Boston & Maine R. Co. (Mass.), vol. 2, p. 273.

Negligence in starting train question for jury.

Illinois Cent. R. Co. v. Beebe (Ill.), vol. 11, p. 163.

Negligence of company question for jury, where passenger riding on platform of street car is injured by sudden jerk.

Bradley v. Second Ave. R. Co. (N. Y.), vol. 12, p. 184.

Negligence of company, where passenger on platform of car at station is injured by jerking of train swinging door to, is for jury.

McCurrie v. Southern Pac. Co. (Cal.), vol. 12, p. 170.

One assisting passenger to board train was compelled by sudden jerk of car to jump, and was injured: *held*, negligence of carrier was question for jury.

Whitley v. Southern Ry. Co. (N. Car.), vol. 12, p. 210.

Passenger closing car door injured by sudden jerk.

Denver & R. G. R. Co. v. Bedell (Colo.), vol. 12, p. 141.

Passenger in baggage car.

Gardner v. Waycross, etc., R. Co. (Ga.), vol. 5, p. 694.

Passengers injured by sudden jerk of train not required to show which employee caused it.

Pomeroy v. Boston & M. R. R. (Mass.), vol. 12, p. 119.

Passenger injured by train suddenly starting after it has stopped at station while she is on the platform.

Carroll v. Burleigh (Wash.), vol. 5, p. 628.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

—Continued.

- Passenger on platform of car at station injured by jerking of train swinging door to, company's negligence was for jury.
McCurrie v. Southern Pac. Co. (Cal.), vol. 12, p. 170.
- Starting train before passenger is seated.
Middlesborough Ry. Co. v. Webster (Ky.), vol. 14, p. 209.
- Sufficiency of evidence to sustain verdict for plaintiff in action for injury to passenger from sudden starting of car.
Baldwin v. Grand Trunk Ry. Co. (Mich.), vol. 23, p. 117.
- Kansas statute requiring free transportation for shippers of live stock not applicable to interstate shipments.
State v. Otis (Kan.), vol. 12, p. 850.
- Knowledge of defects by railroad company.
Arkansas Midland Ry. Co. v. Griffith (Ark.), vol. 9, p. 846.
- Leases and Running Powers.**
- Collision on leased track.
Chicago, R. I. & P. Ry. Co. v. Posten (Kan.), vol. 11, p. 138.
- Liability for expulsion of passenger by lessee of train.
Chesapeake & O. R. Co. v. Osborne (Ky.), vol. 2, p. 157.
- Responsibility for acts of lessee.
White v. Norfolk & S. R. Co. (N. Car.), vol. 2, p. 222.
- Liability for death of passenger alighting from moving train by invitation of conductor.
Lewis v. President, etc., Canal Co. (N. Y.), vol. 2, p. 192.
- Liability for death of person at station to meet passenger.
Denver & R. G. R. Co. v. Spencer (Colo.), vol. 18, p. 236.
- Liability for injuries received by passenger while boarding train not at platform.
Jones v. New York Cent. & H. R. R. Co. (N. Y.), vol. 11, p. 185.
- Liability for injuries to passengers seeking to purchase tickets, effect of slight errors in instructions.
Yazoo & M. V. R. Co. v. Martin (Miss.), vol. 21, p. 301.
- Liability of carrier for death of passenger whose head was protruding from window.
Shelton v. Louisville & N. R. Co. (Ky.), vol. 8, p. 678.
- Liability of carriers for injury to express messengers.
Voight v. Baltimore & O. S. W. Ry. Co. (Ohio), vol. 9, p. 835.
- Liability of company for injury to person on train, at instance of unauthorized employee.
Chicago, St. Paul, etc., R. Co. v. Bryant (C. C. A.), vol. 2, p. 319.
- Liability of company for injury to third person where the act is within the scope of the servant's employment, though the particular act was not authorized.
Gray v. Boston & M. R. R. (Mass.), vol. 8, p. 481.
- Liability of company for tortious acts of employees.
Krantz v. Rio Grande Western R. Co. (Utah), vol. 2, p. 432.
- Sharer v. Paxson (Pa.)*, vol. 2, p. 429.
- Malice implied where carrier carelessly repudiated valid ticket.
Winters v. Cowen (C. C. Ohio), vol. 12, p. 40.
- Mandamus to compel operation of passenger trains.
People, Cantrell v. St. Louis, A. & T. H. R. Co. (Ill.), vol. 12, p. 227.
- Massachusetts statute authorizing actions for death of passenger not applicable to railroads.
Boston & M. R. R. v. Hurd (C. C. A.), vol. 21, p. 674.
- Massachusetts statute authorizing recovery in actions for death of passenger, to punish railroad, is remedial in an international sense, and recovery thereunder may be

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

had in federal court of sister state.

Boston & M. R. R. *v.* Hurd (C. C. A.), vol. 21, p. 674.

Medical attention, failure to aver due diligence in providing for injured passenger.

Indianapolis St. Ry. Co. *v.* Robinson (Ind.), vol. 23, p. 628.

Mistake.

Duty of company to person on train by mistake.

Lewis *v.* President, etc., Canal Co. (N. Y.), vol. 2, p. 192.

Mistake of ticket agent.

Courts *v.* Louisville & N. R. Co. (Ky.), vol. 5, p. 223.

Louisville & N. R. Co. *v.* Gaines (Ky.), vol. 5, p. 226.

Mixed Trains.

Mixed trains are not sufficient compliance with duty to provide for carriage of passengers.

People, Cantrell *v.* St. Louis, A. & T. H. R. Co. (Ill.), vol. 12, p. 227.

Mixed trains made up in part of a passenger equipment and in part of freight cars, used for the transportation of passengers are "passenger trains" within the meaning of defendant's articles of association and of its "lease contract" with the plaintiff; and the defendant is required to furnish such trains, reasonable passenger depot facilities and service.

Chicago G. W. Ry. Co. *v.* St. Paul Union Depot Co. (Minn.), vol. 7, p. 679.

Validity of by-laws excluding mixed train from union depot.

Chicago G. W. Ry. Co. *v.* St. Paul Union Depot Co. (Minn.), vol. 7, p. 679.

Whether railroad company may be forced to operate passenger instead of a mixed train by mandamus.

People *v.* St. Louis, etc., R. Co. (Ill.), vol. 6, p. 241.

Nature of action.

Seals *v.* Augusta Southern R. Co. (Ga.), vol. 10, p. 386.

Nebraska statute giving right

—Continued.

of action for injury to passenger construed.

Chicago, R. I. & P. Ry. Co. *v.* Zerneck (Neb.), vol. 17, p. 76.

Negligence and contributory negligence were questions for jury, where passenger was injured by reason of unfastened door.

Bronson *v.* Oakes (C. C. A.), vol. 9, p. 166.

Negligence a question for jury.

Lane *v.* Spokane Falls & N. Ry. Co. (Wash.), vol. 14, p. 436.

Nelson *v.* Southern Pac. Co. (Utah), vol. 14, p. 374.

New York, C. & St. Louis R. Co. *v.* Blumenthal (Ill.), vol. 4, p. 174.

Sprague *v.* Southern Ry. Co. (C. C. A.), vol. 14, p. 356.

Negligence in backing train at depot.

St. Louis, etc., Ry. Co. *v.* Tomlinson (Ark.), vol. 22, p. 682.

Negligence in leaving switch open.

Louisville, etc., R. Co. *v.* Kingman (Ky.), vol. 5, p. 401.

Negligence in starting train.

Illinois Cent. R. Co. *v.* Beebe (Ill.), vol. 11, p. 163.

Negligence in starting train, question for jury.

Illinois Cent. R. Co. *v.* Beebe (Ill.), vol. 11, p. 163.

Negligence in storing goods on platform so as to obstruct passenger train.

Kird *v.* New Orleans, etc., R. Co. (La.), vol. 20, p. 930.

Negligence of employees, though performing ultra vires agreement of carrier, renders carrier liable.

Chesapeake & O. Ry. Co. *v.* Howard (U. S.), vol. 17, p. 660.

"Negligent" speed.

Central of Ga. Ry. Co. *v.* Johnston (Ga.), vol. 12, p. 286.

Notice to company of danger to passenger at station from third parties, question for jury.

Exton *v.* Central R. Co. of New Jersey (N. J.), vol. 14, p. 240.

CARRIERS OF PASSENGERS

—Continued.

Parcels.

A person entitled by the terms of his ticket to "personal passage" on a railroad car has not the right to carry with him packages of groceries for the use of his family.

Delaware, L. & W. R. Co. v. Bullock (N. J.), vol. 7, p. 370.

Right to carry parcels, sufficiency of evidence of usage to show adoption of rule by carrier.

Runyan v. Central R. Co. of New Jersey (N. J.), vol. 19, p. 290.

Passenger injured by trunk falling on him while he was passing to the eating house from a train.

Duverniet v. Morgan's Louisiana & T. R. R. & S. S. Co. (La.), vol. 6, p. 483.

Passenger trains, what are.

Gray v. Chicago, M. & St. P. R. Co. (Ill.), vol. 21, p. 252.

Plaintiff may recover upon proof that only a portion of his injuries resulted from the carrier's negligence.

Lutz v. Louisville Ry. Co. (Ky.), vol. 12, p. 280.

Pleading and proof in action for ejection of passengers.

Southern Ry. Co. v. Lynn (Ala.), vol. 21, p. 570.

Pleading in the alternative, in action for injury to passenger in a collision.

Brockett v. Fair Haven & W. R. Co. (Conn.), vol. 20, p. 406.

Pleading, there can be no recovery for failure to observe common-law duty of ordinary care towards person on street crossing where only cause of action alleged his defendant's breach of duty as carrier of passengers.

Chicago & E. I. R. Co. v. Jennings (Ill.), vol. 22, p. 127.

Presumption of Negligence from Accident.

Arkansas Midland Ry. Co. v. Griffith (Ark.), vol. 9, p. 846.

Bassett v. Los Angeles Traction Co. (Cal.), vol. 22, p. 5.

CARRIERS OF PASSENGERS

—Continued.

Chicago, B. & O. R. Co. v. Hague (Neb.), vol. 4, p. 476.

Chicago, B. & O. R. Co. v. Wolfe (Neb.), vol. 22, p. 26.

Cooper v. Georgia, etc., Ry. Co. (S. Car.), vol. 22, p. 667.

Dampman v. Pennsylvania R. Co. (Pa. St.), vol. 2, p. 219.

Dennis v. Pittsburgh & C. S. R. Co. (Pa. St.), vol. 2, p. 220.

East Tennessee, etc., R. Co. v. Miller (Ga.), vol. 2, p. 216.

Felton v. Holbrook (Ky.), vol. 17, p. 146.

Fremont, E. & M. V. R. Co. v. French (Neb.), vol. 4, p. 365.

McCafferty v. Pennsylvania R. Co. (Pa.), vol. 16, p. 122.

Mexican Cent. R. Co. v. Laurecilla (Tex.), vol. 2, p. 219.

Norfolk & W. R. Co. v. Marshall (Va.), vol. 2, p. 220.

Perry v. Malarin (Cal.), vol. 2, p. 219.

St. Joseph & G. I. R. Co. v. Hedge (Neb.), vol. 2, p. 219.

St. Louis & S. F. R. Co. v. Burrows (Kan.), vol. 17, p. 678.

Saunders v. Chicago & N. W. R. Co. (S. Dak.), vol. 2, p. 220.

Spencer v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 17, p. 163.

Sprague v. Southern Ry. Co. (C. C. A.), vol. 14, p. 356.

Steele v. Southern Ry. Co. (S. Car.), vol. 14, p. 350.

Whitney v. New York, etc., R. Co. (C. C. A.), vol. 19, p. 184.

Derailment resulting from defective cross tie, instruction. Arkansas Midland Ry. Co. v. Griffith (Ark.), vol. 9, p. 846.

Presumption of negligence from derailment of train.

Albion Lumber Co. v. De Nobra (U. S.), vol. 3, p. 564.

Chicago, R. I. & P. R. Co. v. Zerneck (Neb.), vol. 17, p. 76.

Illinois Cent. R. Co. v. Kuhn (Tenn.), vol. 22, p. 324.

CARRIERS OF PASSENGERS

—Continued.

Presumption of negligence from injury to passenger on freight train, in a collision.

Southern Ry. Co. *v.* Dawson (Va.), vol. 18, p. 592.

Presumption of negligence where injury is caused by collision between trains.

Baltimore & O. S. W. Ry. Co. *v.* Hausman (Ky.), vol. 17, p. 237.

Presumption of negligence where passenger was injured in collision between street car and wagon.

Harrison *v.* Sutter St. Ry. Co. (Cal.), vol. 23, p. 809.

Prima facie case of negligence from break in the track causing derailment.

Illinois Cent. R. Co. *v.* Kuhn (Tenn.), vol. 22, p. 324.

Proximate Cause.

Chicago, K. & M. R. Co. *v.* Bell (Kan.), vol. 2, p. 222.

Concurring causes as affecting carrier's liability for injury to passenger.

Rooney *v.* New York, N. H. & H. R. Co. (Mass.), vol. 14, p. 425.

Derailment of train.

Davis *v.* Chicago, M. & St. P. R. Co. (Wis.), vol. 4, p. 622.

Derailment of train caused by obstructions placed on track.

Davis *v.* Chicago, etc., Ry. Co. (Wis.), vol. 5, p. 710.

Proximate cause of injury to passenger sustained in alighting at point where train had stopped because of a collision.

Vandercook *v.* Detroit, G. R. & W. R. Co. (Mich.), vol. 20, p. 353.

Proximate cause of injury to passenger who stepped back, from position of safety, between cars of divided train.

Butts *v.* Cleveland, etc., R. Co. (C. C. A.), vol. 23, p. 100.

Proximate cause of injury to passenger alighting from moving train.

Gulf, etc., Ry. Co. *v.* Rowland (Tex.), vol. 6, p. 775.

CARRIERS OF PASSENGERS

—Continued.

Proximate cause, question for jury.

McCann *v.* Newark & S. O. R. Co. (N. J.), vol. 4, p. 382.

Reasonableness of regulations, question for jury.

Gregory *v.* Chicago, etc., Ry. Co. (Iowa), vol. 6, p. 775.

Rebuttal of presumption of negligence.

O'Conner *v.* Scranton Traction Co. (Pa.), vol. 6, p. 650.

Relation between carrier and passenger is contractual.

Fremont, E. & M. V. R. Co. *v.* French (Neb.), vol. 4, p. 365.

Res Gestæ.

Complaint by plaintiff of his injuries.

Missouri, K. & T. R. Co. *v.* Sanders (Tex. Civ. App.), vol. 3, p. 428.

Statement as to threats made by station agent to passenger as *res gestæ*.

Ward *v.* Yazoo & M. V. R. Co. (Miss.), vol. 21, p. 401.

Statement of intention to become a passenger by party killed by defendant's locomotive.

Chicago & E. I. R. Co. *v.* Chancellor (Ill.), vol. 10, p. 842.

Right of passenger on partially constructed road.

Chicago, Kansas & Western R. Co. *v.* Frazer (Kan.), vol. 2, p. 206.

Right of passenger to be in baggage car, question for jury.

Gardner *v.* Waycross, etc., R. Co. (Ga.), vol. 5, p. 694.

Right to enter car where physical resistance by employees.

Runyan *v.* Central R. Co. of New Jersey (N. J.), vol. 19, p. 290.

Rules and Regulations.

Church *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 1.

Decker *v.* Atchison, Topeka, etc., R. Co. (Okla.), vol. 2, p. 118.

Concurrent negligence of company's servants.

Deery *v.* Camden & A. R. Co. (Pa. St.), vol. 2, p. 225.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

Ejection of passenger where passenger should have changed cars.

Church *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 1.

Failure of company to notify passenger of a regulation requiring passage upon the most direct route.

Church *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 1.

Failure to inform conductor of change in rules and regulations.

Sheets *v.* Ohio River R. Co. (W. Va.), vol. 2, p. 129.

Failure to notify passenger of change of cars at distant junction.

Church *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 1.

Implied consent of passenger to rule.

Deery *v.* Camden & A. R. Co. (Pa. St.), vol. 2, p. 225.

Injury to passenger violating rule of company.

Deery *v.* Camden & A. R. Co. (Pa. St.), vol. 2, p. 225.

Notice against riding on platform waived by failure to provide seats.

Graham *v.* McNeill (Wash.), vol. 12, p. 149.

Passengers leaving car by baggage compartment.

Deery *v.* Camden & A. R. Co. (Pa. St.), vol. 2, p. 225.

Passengers occupying platform.

Baltimore & O. R. Co. *v.* Meyers (U. S.), vol. 2, p. 225.

Omaha & R. V. R. Co. *v.* Chollette (Neb.), vol. 2, p. 225.

Reasonableness.

Church *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 1.

Reasonableness of regulations.

Gregory *v.* Chicago, etc., Ry. Co. (Iowa), vol. 6, p. 775.

—Continued.

Regulations binding on passenger having notice.

Lake Shore & M. S. Ry. Co. *v.* Kelsey (Ill.), vol. 16, p. 82.

Unreasonable rule against backing cars to receive passengers at crossing.

Jackson Electric Ry., Light & Power Co. *v.* Lowry (Miss.), vol. 23, p. 103.

Separate Coaches.

Constitutionality of statutes.

Plessy *v.* Ferguson (U. S.), vol. 4, p. 277.

Failure of conductor to assign passengers to separate coaches.

Louisville, etc., R. Co. *v.* Commonwealth (Ky.), vol. 5, p. 644.

Failure to furnish equal accommodation.

Norwood *v.* Galveston, H. & S. A. Ry. Co. (Tex. Civ. App.), vol. 3, p. 395.

Separate coach statute construed.

Brown *v.* State (Ga.), vol. 17, p. 247.

Statute requiring separate coaches is constitutional.

Chesapeake & O. R. Co. *v.* Commonwealth (Ky.), vol. 14, p. 508.

Separate Trains.

People *v.* St. Louis, etc., R. Co. (Ill.), vol. 6, p. 241.

Business of leased roads as well as main road considered on question of compelling operation of separate passenger train.

People, Cantrell *v.* St. Louis, A. & T. H. R. Co. (Ill.), vol. 12, p. 227.

Severance of parties plaintiff in action for breach of contract to carry funeral party.

Southern Ry. Co. *v.* Marshall (Ky.), vol. 23, p. 82.

Speed, sufficiency of evidence to show negligence in running train at high rate of speed in action for injury to postal clerk.

St. Louis, etc., Ry. Co. *v.* Stewart (Ark.), vol. 20, p. 571.

CARRIERS OF PASSENGERS

—Continued.

Speed of train, operation of car around curve at high rate of speed.

Gidionsen *v.* Union Depot R. Co. (Mo.), vol. 2, p. 226.

Hite *v.* Metropolitan St. R. Co. (Mo.), vol. 2, p. 225.

Starting Trains and Cars.

Care due in starting mixed train.

Macon, D. & S. R. Co. *v.* Moore (Ga.), vol. 15, p. 842.

Sufficiency of evidence to go to jury in action for injuring boarding passenger by starting street car.

Baltimore City Pass. Ry. Co. *v.* Baer (Md.), vol. 22, p. 662.

Stations and Depots.

Failure of station agent to protect person in station from assault and robbery.

Krantz *v.* Rio Grande Western R. Co. (Utah), vol. 2, p. 432.

Rights of passengers at stations.

Kates *v.* Atlanta, B. & C. Co. (Ga.), vol. 16, p. 140.

Stockman, carrier negligent in maintaining snowshed of insufficient height and in not giving warning of its height.

Nelson *v.* Southern Pac. Co. (Utah), vol. 14, p. 374.

Substitution of baggage car for passenger coach.

Baltimore & Potomac R. Co. *v.* Swann (Md.), vol. 2, p. 187.

Sufficiency of evidence of negligence where car door shut upon passenger's hand.

Skinner *v.* Wilmington & W. R. Co. (N. Car.), vol. 22, p. 32.

The negligent and terrifying acts and exclamations of a brakeman in the caboose of a mixed freight and passenger train were such as to reasonably cause a passenger in the caboose to believe that a wreck was imminent and he jumped from the train and was injured. It appeared that the brakeman had no express duty to perform in or about the caboose nor in the direc-

CARRIERS OF PASSENGERS

—Continued.

tion of the passengers and that there was no reason for his alarm: *held*, that the railway company was liable for the injuries.

Ephland *v.* Missouri Pac. Ry. Co. (Mo.), vol. 7, p. 579.

Where train broke apart negligence was a question for jury.

Delaware, L. & W. R. Co. *v.* Ashley (U. S.), vol. 2, p. 386.

Whether carrier is liable for injury caused to passenger by a brakeman, while off duty, going to summon conductor to collect tickets, where brakeman afterwards collected the tickets himself.

Schimpf *v.* Harris (Pa.), vol. 11, p. 470.

Who Are Passengers.

Alighting at intermediate station.

Lemery *v.* Great Northern Ry. Co. (Minn.), vol. 21, p. 257.

Alighting at intermediate station does not terminate relation of carrier and passenger.

Missouri, K. & T. Ry. Co. *v.* Overfield (Tex. Civ. App.), vol. 12, p. 207.

A person with ticket carelessly entering train and chargeable with knowledge that it will not stop at his destination is, within meaning of Arkansas statute providing for recovery of damages for ejection of passenger at place other than usual stopping place.

St. Louis S. W. Ry. Co. *v.* Harper (Ark.), vol. 21, p. 77.

Carrier not liable for injury to one who while riding in baggage car, colluding with baggage-master, was compelled by the latter to jump from moving train.

Yazoo & M. V. R. Co. *v.* Anderson (Miss.), vol. 14, p. 412.

Duty of company, when duty ends.

Louisville R. Co. *v.* Park (Ky.), vol. 2, p. 212.

CARRIERS OF PASSENGERS CARRIERS OF PASSENGERS

—Continued.

Employee riding from work as passenger.

Ionnone *v.* New York, N. H. & H. R. Co. (R. I.), vol. 16, p. 359.

Employee riding to work as passenger.

Chattanooga Rapid-Transit Co. *v.* Venable (Tenn.), vol. 19, p. 768.

Employees as passengers.

McNulty *v.* Pennsylvania R. Co. (Pa.), vol. 8, p. 685.Wright *v.* Northampton & H. R. Co. (N. Car.), vol. 10, p. 151.

Employees riding on passes as passengers.

Whitney *v.* New York, etc., R. Co. (C. C. A.), vol. 19, p. 184.

Failure to leave train within reasonable time.

Chicago, Kansas & Western R. Co. *v.* Frazer (Kan.), vol. 2, p. 206.

Freight trains.

Texas & P. R. Co. *v.* Black (Tex.), vol. 3, p. 652.

How relation of carrier and passenger created.

Farley *v.* Cincinnati, H. & D. R. Co. (C. C. A.), vol. 21, p. 404.

Liability for injury to mail agent, sufficiency of evidence.

Martin *v.* Philadelphia & R. Ry. Co. (Pa.), vol. 23, p. 170.

One boarding a train intended for a certain class of persons, to which class he does not belong, is not a passenger.

Fitzgibbon *v.* Chicago & N. W. Ry. Co. (Iowa), vol. 14, p. 270.

One does not cease to be a passenger by merely leaving car to avoid danger.

Gradert *v.* Chicago & N. W. Ry. Co. (Iowa), vol. 20, p. 118.

Passengers crossing track to depot is not a trespasser.

Girton *v.* Lehigh Valley R. Co. (Pa.), vol. 21, p. 157.

Person on freight train, sufficiency of evidence.

Menaugh *v.* Bedford Belt Ry. Co. (Ind.), vol. 22, p. 1.

—Continued.

Person on premises with intention of engaging passage.

Tillett *v.* Lynchburg & D. R. Co. (N. Car.), vol. 2, p. 167.

Person on train by mistake.

Lewis *v.* President, etc., Canal Co. (N. Y.), vol. 2, p. 192.

Person riding in stock car is presumed not a passenger.

Chicago, R. I. & P. Ry. Co. *v.* Lee (C. C. A.), vol. 14, p. 264.

Person with commutation ticket crossing tracks in street to take train is not.

Chicago & E. I. R. Co. *v.* Jennings (Ill.), vol. 22, p. 127.

Plaintiff in action for personal injuries must prove that he is a passenger for hire where it has been denied.

Clark *v.* Louisville & N. R. Co. (Ky.), vol. 12, p. 293.

Postal clerk as passenger.

Louisville, etc., R. Co. *v.* Kingham (Ky.), vol. 5, p. 401.Purchase of ticket not prerequisite to relation of passenger under Arkansas statute. St. Louis & S. F. R. Co. *v.* Kilpatrick (Ark.), vol. 17, p. 212.

Railway mail clerk not a passenger within meaning of Pennsylvania statute.

Foreman *v.* Pennsylvania R. Co. (Pa.), vol. 17, p. 246.

Reception of persons as passengers by conductor of construction train.

Chicago, Kansas & Western R. Co. *v.* Frazer (Kan.), vol. 2, p. 206.

Relation of carrier and passenger not terminated by passenger leaving car temporarily at intermediate station.

Alabama G. S. Ry. Co. *v.* Coggins (C. C. A.), vol. 12, p. 109.

Riding on engine.

Wilcox *v.* San Antonio & A. P. R. Co. (Tex. Civ. App.), vol. 3, p. 442.

CARRIERS OF PASSENGERS CARS.

—*Continued.*

Servant riding gratuitously by permission of conductor is a passenger.

Louisville & N. R. Co. *v.*

Scott (Ky.), vol. 17, p. 261.

Stockman as a passenger.

Chicago & A. R. Co. *v.*

Winters (Ill.), vol. 12, p. 93.

Louisville & N. R. Co. *v.*

Bell (Ky.), vol. 8, p. 413.

New York, C. & St. Louis R.

Co. *v.* Blumenthal (Ill.), vol. 4, p. 174.

Transportation of post office inspectors.

Central Pac. R. Co. *v.*

United States (U. S.), vol. 6, p. 777.

When relation of carrier and passenger terminates.

Brunswick & W. R. Co. *v.*

Moore (Ga.), vol. 12, p. 84.

Chicago & A. R. Co. *v.* Win-

ters (Ill.), vol. 12, p. 93.

Louisville & N. R. Co. *v.*

Keller (Ky.), vol. 12, p. 89.

Where one boards a train intended for a class of persons to whom he does not belong, and is received by the conductor, and there is no evidence of his knowledge of limitations on the conductor's authority to receive him, the question whether he was a passenger is for the jury.

Fitzgibbon *v.* Chicago & N.

W. Ry. Co. (Iowa), vol. 14, p. 270.

Whether passenger on train not stopping at his station is a trespasser.

Baldwin *v.* Grand Trunk Ry.

Co. of Canada (Mich.), vol. 23, p. 117.

Whether passenger or trespasser, question depending on whether mail clerk boarded car at proper place.

Farley *v.* Cincinnati, H. &

D. R. Co. (C. C. A.), vol. 21, p. 404.

Whether purchase of ticket or ability to pay fare, is necessary to constitute one a passenger.

Inness *v.* Boston, R. B. & L.

R. Co. (Mass.), vol. 9, p. 819.

See Carriers of Freight.

Carriers of Live Stock.

Carriers of Passengers.

Inspection.

Master and Servant.

Car service association.

Kentucky Wagon Mfg. Co. *v.*

Ohio & Mississippi Railroad

Co. (Ky.), vol. 2, p. 722.

Heating.

New York, N. H. & H. R.

Co. *v.* People of the State

of New York (U. S.), vol. 8, p. 172.

Lease and sublease of cars by receivers.

Mercantile Trust & Deposit

Co. *v.* Atlanta Stone, Coal

& Lumber Co. (Ala.), vol.

8, p. 102.

Mercantile Trust and De-

posit Co. *v.* Southern Iron

Car Line Co. (Ala.), vol. 8,

p. 102.

CAR STEPS.

See Street Railways.

CAR TRUST LEASES.

Receivers.

Lessor entitled to reasonable compensation for use of stock by receiver of company.

Platt *v.* Philadelphia & R.

R. Co. (C. C. A.), vol. 10,

p. 169.

Receivers' assumption of obligations by use of leased rolling stock.

Platt *v.* Philadelphia & R.

R. Co. (C. C. A.), vol. 10,

p. 169.

CATTLE.

See Carriers of Live Stock.

Fences.

Stock, Injuries to.

CATTLE CHUTES.

See Carriers of Passengers.

Fences.

CATTLE GUARDS.

See Stock, Injuries to.

Action for damages from failure to erect, pleading.

Southern Ry. Co. *v.* Harrell

(Ga.), vol. 11, p. 859.

Cattle guards are among assumed risks of railway employment.

Fuller *v.* Lake Shore & M. S.

R. Co. (Mich.), vol. 3, p. 589.

CATTLE GUARDS—Continued.

Construction of cattle guards where it is not required by law is not negligence.

Fuller *v.* Lake Shore & M. S. R. Co. (Mich.), vol. 3, p. 589.

Contributory negligence in action based on defect in cattle guards.

Hathaway *v.* Detroit, T. & M. Ry. Co. (Mich.), vol. 19, p. 714.

Crossings.

Chicago, M. & St. P. Ry. Co. *v.* City of Milwaukee (Wis.), vol. 9, p. 537.

Defenses in proceedings to revive action for failure to maintain cattle guards against purchaser of franchises.

Memphis & C. R. Co. *v.* Glover (Miss.), vol. 22, p. 708.

Duty to build cattle guards at wagon crossings in cities.

Groft *v.* Chicago G. W. Ry. Co. (Minn.), vol. 11, p. 652.

Injuries to stock, duty to construct cattle guards.

Atchison, T. & S. F. R. Co. *v.* Billings (Kan.), vol. 10, p. 740.

Inquiry into propriety of location of station in such proximity to public highway that cattle guard could not be constructed.

Chicago, R. I. & P. R. Co. *v.* Clonch (Kan.), vol. 3, p. 240.

Liability for failure to erect, where no necessity is shown.

Alabama, G. S. R. Co. *v.* Fowler (Ga.), vol. 11, p. 860.

Liability of purchaser at receiver's sale for damages from failure to maintain cattle guards.

Memphis & C. R. Co. *v.* Glover (Miss.), vol. 22, p. 708.

Liability of receivers for failure to maintain.

Memphis & C. R. Co. *v.* Glover (Miss.), vol. 22, p. 708.

No obligation to maintain at intersection with fences built on right of way by former owner where company acquired fee-simple title.

Anderson *v.* Atlantic Coast Line Ry. Co. (S. Car.), vol. 20, p. 230.

Opinion evidence to effect that guard could not be constructed

CATTLE GUARDS—Continued.

without danger to employees. Chicago, R. I. & P. R. Co. *v.* Clonch (C. C. A.), vol. 3, p. 240.

Whether tenant is entitled to complain of failure to comply with statutory duty to repair.

Louisville & N. R. Co. *v.* Murphree (Ala.), vol. 21, p. 758.

Who is owner of land, and therefore bound to construct, under Ga. Act of Nov. 11, 1889.

Harden *v.* Chattanooga Southern R. Co. (Ga.), vol. 22, p. 632.

CATTLE PENS.

See Carriers of Live Stock.

CERTIFICATES.

See Receivers.

CERTIFICATION.

See Evidence.

CERTIFIED QUESTIONS.

Sufficiency.

Galveston, H. & S. A. Ry. Co. *v.* Zantzinger (Tex.), vol. 13, p. 840.

CERTIORARI.

Error in overruling.

Central of Georgia Ry. Co. *v.* Ross (Ga.), vol. 14, p. 12.

Error in refusing petition.

Central of Georgia R. Co. *v.* Woolsey (Ga.), vol. 19, p. 573.

Review of action of railroad commissioners permitting abandonment of station.

People, Loughran *v.* Board of Railroad Com'rs of State of New York (N. Y.), vol. 15, p. 441.

CHANGE OF GRADE.

See Railroads in Streets.
Street Railways.

In city streets.

Wabash R. Co. *v.* City of Defiance (U. S.), vol. 7, p. 638.

Rights of abutters.

Borough of McKeesport *v.* McKeesport S. R. Co. (Pa. St.), vol. 1, p. 171.

Kaufman *v.* Tacoma, O. & G. H. R. Co. (Wash.), vol. 1, p. 171.

Limburger *v.* San Antonio R. T. Co. (Tex.), vol. 1, p. 171.

May *v.* Carbondale Traction Co. (Pa.), vol. 1, p. 171.

CHANGE OF LOCATION.

Carriers.

Lowell *v.* Washington County R. Co. (Me.), vol. 9, p. 115.

County commissioners.

Lowell *v.* Washington County R. Co. (Me.), vol. 9, p. 151.

CHANGE OF MOTIVE POWER.

See Street Railroads.

CHANGE OF ROUTE.

Burden of proof as to necessity.

Village of Wayzata *v.* Great Northern Ry. Co. (Minn.), vol. 7, p. 360.

CHARACTER IN EVIDENCE.

See Evidence.

Simulating pain.

Austin & N. W. R. Co. *v.* McElmurry (Tex. Civ. App.), vol. 3, p. 445.

CHARACTER OF NEGLIGENT ACT.

Jackson *v.* Norfolk & Western R. Co. (W. Va.), vol. 6, p. 455.

CHARGES.

See Interstate Commerce. Tickets and Fares.

CHARTER AUTHORITY.

See Consolidation of Railroads.

CHARTERED TRAINS.

See Carriers of Passengers.

CHARTERS.

See Railroads.

Stock and Stockholders. Street Railways.

Act inconsistent with prior legislation as evidence of intent to repeal existing charters.

West Jersey Traction Co. *v.* Camden Horse R. Co. (N. J.), vol. 1, p. 132.

Construction of.

Williamson *v.* Gordon Heights Ry. Co. (Del.), vol. 14, p. 809.

Construction of charter of street railway company.

West Jersey Traction Co. *v.* Camden Horse R. Co. (N. J.), vol. 1, p. 132.

Legislative power to amend

CHARTERS—Continued.

charter does not authorize confiscation of property.

In re Opinion of the Justices (N. H.), vol. 3, p. 447.

Pleading and proving in action by foreign corporation.

Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Ala.), vol. 13, p. 423.

Whether refusal to grant prevents renewal of petition.

In re Milford & M. R. R. (N. H.), vol. 15, p. 818.

CHECKS.

See Pay Checks.

CHILDREN.

See Accidents on Track.

Carriers of Passengers.

Contributory Negligence.

Fences.

Parent and Child.

Tickets and Fares.

Accident at street railway crossing.

Consolidated & C. P. Ry. Co. *v.* Wyatt (Kan.), vol. 9, p. 756.

Allowing boys to ride on platforms of street railway cars.

Cronan *v.* Crescent City R. Co. (La.), vol. 6, p. 225.

As witnesses.

Burke *v.* Ellis (Tenn.), vol. 19, p. 695.

Boy of a little over seven years of age playing on railroad right of way is a trespasser as a matter of law.

Trudell *v.* Grand Trunk Ry. Co. (Mich.), vol. 20, p. 316.

Care due boy, who had been a trespasser on company's platform, at crossing.

Daubert *v.* Delaware, L. & W. R. Co. (Pa.), vol. 21, p. 456.

Care required of.

Weldon *v.* Philadelphia, W. & B. R. Co. (Del.), vol. 13, p. 759.

Care required of parents to prevent children straying on track.

Thomas *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 21, p. 586.

Care required of street railways to avoid injuring children of tender years.

Levin *v.* Second Ave. Traction Co. (Pa.), vol. 23, p. 318.

CHILDREN—Continued.

Care required on part of children.

Adams *v.* Southern Ry. Co. (C. C. A.), vol. 9, p. 747.

Van Natta *v.* People's Street Railway, etc., Co. (Mo.), vol. 3, p. 433.

Care to be exercised by railroad company where children have license in the yard.

Savannah, etc., R. Co. *v.* Waller (Ga.), vol. 5, p. 620.

Child only held to such degree of care as is reasonably to be expected of children of his age.

Tully *v.* Philadelphia, W. & B. R. Co. (Del.), vol. 20, p. 322.

Contributory Negligence.

Crawford *v.* Southern Ry. Co. (Ga.), vol. 16, p. 829.

Cronan *v.* Crescent City R. Co. (La.), vol. 6, p. 225.

Culbertson *v.* Crescent City R. Co. (La.), vol. 6, p. 522.

Fox *v.* Oakland Consol. St. Ry. (Cal.), vol. 9, p. 825.

Hedin *v.* City & Suburban R. Co. (Ore.), vol. 1, p. 265.

Illinois Cent. R. Co. *v.* Jones (C. C. A.), vol. 15, p. 16.

Johnson *v.* Reading City Pass. R. Co. (Pa.), vol. 1, p. 264.

Krenzer *v.* Pittsburgh, C., C. & St. L. Ry. Co. (Ind.), vol. 12, p. 343.

Mitchell *v.* Tacoma R. & M. Co. (Wash.), vol. 1, p. 264.

Moss *v.* Philadelphia Traction Co. (Pa.), vol. 6, p. 690.

Riley *v.* Salt Lake R. T. Co. (Utah), vol. 1, p. 264.

Smith *v.* Pittsburgh & W. Ry. Co. (Ohio), vol. 13, p. 716.

Swack *v.* New York, L. E. & W. R. Co. (N. Y.), vol. 16, p. 609.

West Chicago St. Ry. Co. *v.* Scanlan (Ill.), vol. 9, p. 482.

Age of boy nine years old making his contributory negligence in stumbling over cinders piled near track a question for the jury.

Anderson *v.* Union Terminal R. Co. (Mo.), vol. 20, p. 834.

CHILDREN—Continued.

Age of, significance only as mark of capacity.

Bess *v.* Atchison, etc., Ry. Co. (Kan.), vol. 19, p. 586.

Apprehension of danger from train by boy seven years and four months old.

Trudell *v.* Grand Trunk Ry. Co. (Mich.), vol. 20, p. 316.

Apprehension of danger, instructions.

Geist *v.* Missouri Pac. Ry. Co. (Neb.), vol. 22, p. 364.

Boy's capacity for contributory negligence question for jury.

St. Louis S. W. Ry. Co. *v.* Shiflet (Tex.), vol. 20, p. 38.

Boy's realization of danger of falling asleep on track, sufficiency of evidence for submission to jury.

St. Louis S. W. Ry. Co. *v.* Shiflet (Tex.), vol. 20, p. 38.

Capacity of boy killed on track to appreciate danger from trains, admissibility of evidence.

St. Louis S. W. Ry. Co. *v.* Shiflet (Tex.), vol. 20, p. 38.

Child's capacity for, contributory negligence question of law.

Bess *v.* Atchison, etc., Ry. Co. (Kan.), vol. 19, p. 586.

Child killed on track.

Pletcher *v.* Scranton Traction Co. (Pa.), vol. 10, p. 715.

Child run over by street car.

Harkins *v.* Pittsburgh, A. & M. Traction Co. (Pa.), vol. 3, p. 302.

San Antonio & A. P. R. Co. *v.* Bergsland (Tex.), vol. 3, p. 304.

Climbing over train.

Carmer *v.* Chicago, St. P., M. & O. Ry. Co. (Wis.), vol. 8, p. 331.

Contributory negligence of parent will bar recovery for wrongful death of child.

St. Louis, I. M. & S. Ry. Co. *v.* Dawson (Ark.), vol. 18, p. 30.

Degree of care required of children.

Illinois Cent. R. Co. *v.* Jones (C. C. A.), vol. 15, p. 16.

CHILDREN—Continued.

Effect of contributory negligence of boy nine years of age in playing on hand car. Illinois Cent. R. Co. *v.* Wilson (Ky.), vol. 21, p. 644.

Effect of contributory negligence of boy ten years of age in walking on track, in action for his death based on violation of ordinance requiring bell to be rung.

Schmitt *v.* Missouri Pac. Ry. Co. (Mo.), vol. 20, p. 216.

Evidence of brightness and intelligence of child as affecting contributory negligence, admissible.

Atchison, T. & S. F. Ry. Co. *v.* Potter (Kan.), vol. 15, p. 660.

Evidence of brightness and intelligence of child is admissible where contributory negligence is an issue.

Atchison, T. & S. F. Ry. Co. *v.* Potter (Kan.), vol. 15, p. 660.

Fact that an eight year old boy would not have been injured had he not been a trespasser was not conclusive evidence of contributory negligence.

Tully *v.* Philadelphia, W. & B. R. Co. (Del.), vol. 20, p. 322.

Immature age of boy seventeen years of age could not be considered as bearing on the question of his contributory negligence.

Lemasters *v.* Southern Pac. Co. (Cal.), vol. 20, p. 296.

Instruction not warranted by evidence.

Geist *v.* Missouri Pac. Ry. Co. (Neb.), vol. 22, p. 364.

It is for the jury to determine what degree of care and prudence may be reasonably required of a child of tender years, from all the evidence as to his capacity, and the facts of the case on trial.

Consolidated City & C. P. Ry. Co. *v.* Carlson (Kan.), vol. 7, p. 274.

Not attributable to child sixteen months of age.

Mason *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 83.

Of parents in sending nine year old boy on errand

CHILDREN—Continued.

across railroad track.

Daubert *v.* Delaware L. & W. R. Co. (Pa.), vol. 21, p. 456.

Of parents will bar recovery for wrongful death.

St. Louis, I. M. & S. Ry. Co. *v.* Dawson (Ark.), vol. 18, p. 30.

Parents allowing children to go on the railroad track.

Dan *v.* Citizens' St. R. Co. (Tenn.), vol. 10, p. 880.

Garner *v.* Trumbull (C. C. A.), vol. 15, p. 589.

Parents' negligence.

Cunningham *v.* Los Angeles Ry. Co. (Cal.), vol. 7, p. 783.

Gunn *v.* Ohio River R. Co. (W. Va.), vol. 16, p. 275.

Parents' negligence in allowing child to run on street not proximate cause of its death.

Ploof *v.* Burlington Traction Co. (Vt.), vol. 13, p. 702.

Question for jury.

Graney *v.* St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 8, p. 187.

Tully *v.* Philadelphia, W. & B. R. Co. (Del.), vol. 20, p. 322.

Question for jury whether boy twelve years of age was guilty of in taking hold of electric wire after being warned of danger.

Macon *v.* Paducah St. Ry. Co. (Ky.), vol. 22, p. 614.

Running in front of moving street car.

Perry *v.* Macon Consol. St. R. Co. (Ga.), vol. 10, p. 819.

Suit by administrator, negligence of father.

Consolidated Traction Co. *v.* Hone (N. J.), vol. 5, p. 679.

The court will not declare, as matter of law, that a boy ten years old who crosses a street car track in a crowd of school children, just released from school, is culpably negligent because he fails to see a street car coming towards him, at a high rate of speed, without the ringing of any bell or other warning.

Consolidated City & C. P. Ry. Co. *v.* Carlson (Kan.), vol. 7, p. 274.

CHILDREN—Continued.

The fact that a child may not be capable of contributory negligence does not always render the defendant liable upon the mere proof of the act causing injury.

Culbertson *v.* Crescent City R. Co. (La.), vol. 6, p. 522.

Whether child of tender years is chargeable with contributory negligence.

Gunn *v.* Ohio River R. Co. (W. Va.), vol. 6, p. 275.

Crossings, degree of care required of children at crossings.

Goodrich *v.* Burlington, C. R. & N. R. Co. (Iowa), vol. 3, p. 620.

Damages.

Disability during minority.

Gulf, C. & S. F. Ry. Co. *v.* Johnson (Tex.), vol. 11, p. 291.

Elements of damage in actions for injuries to children.

Fleishman *v.* Neversink Mountain R. Co. (Pa. St.), vol. 4, p. 261.

Loss of time.

Burke *v.* Ellis (Tenn.), vol. 19, p. 695.

Measure of damages for death of child.

Ft. Worth & D. C. Railway Co. *v.* Hyatt (Tex.), vol. 3, p. 397.

Goodrich *v.* Burlington, C. R. & N. R. Co. (Iowa), vol. 3, p. 620.

Southern Ry. Co. *v.* Covenia (Ga.), vol. 10, p. 551.

Texas & P. Ry. Co. *v.* Wilder (C. C. A.), vol. 13, p. 520.

Measure of damages for death of child, under South Carolina statute.

Mason *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 84.

Right of adult children to recover damages for negligent killing of their father, who made them a yearly allowance, is not affected by the fact that they inherited his estate.

Stahler *v.* Philadelphia & R. Ry. Co. (Pa.), vol. 21, p. 815.

Declarations of as evidence.

Atchison, T. & S. F. Ry. Co. *v.* Potter (Kan.), vol. 15, p. 660.

CHILDREN—Continued.

Degree of care required of boy as a passenger.

Georgia, C. & N. R. Co. *v.* Watkins (Ga.), vol. 3, p. 429.

Duty of engineer when infant appears on track.

Gunn *v.* Ohio River R. Co. (W. Va.), vol. 6, p. 275.

Duty to child trespassing on track near crossing.

Brague *v.* Northern Cent. Ry. Co. (Pa.), vol. 15, p. 594.

Duty to guard excavation likely to attract children.

Savannah, F. & W. Ry. Co. *v.* Beavers (Ga.), vol. 21, p. 646.

Electric railway company was not liable for injury to child.

Fleishman *v.* Neversink Mountain R. Co. (Pa. St.), vol. 4, p. 261.

Evidence as to negligence of driver and defective brake where child was injured.

Gannon *v.* New Orleans City, etc., R. Co. (La.), vol. 6, p. 792.

Evidence of brightness and intelligence of, admissible where contributory negligence is an issue.

Atchison, T. & S. F. Ry. Co. *v.* Potter (Kan.), vol. 15, p. 660.

Evidence of earning capacity of child injured on track.

Jeffries *v.* Seaboard A. L. R. Co. (N. Car.), vol. 23, p. 339.

Evidence to show number of children of deceased.

Felton *v.* Spiro (C. C. A.), vol. 10, p. 865.

Failure to give signal as proximate cause where child was injured at crossing, instruction.

Geist *v.* Missouri Pac. Ry. Co. (Neb.), vol. 22, p. 364.

Gross negligence in leaving hand car unlocked and accessible to children.

Illinois Cent. R. Co. *v.* Wilson (Ky.), vol. 21, p. 644.

Impairment of earning capacity during minority as element of damages.

Chesapeake & O. Ry. Co. *v.* Davis (Ky.), vol. 19, p. 711.

Imputable negligence.

Dan *v.* Citizens' St. R. Co. (Tenn.), vol. 10, p. 880.

Gunn *v.* Ohio River R. Co. (W. Va.), vol. 6, p. 275.

CHILDREN—*Continued.*

- Imputable negligence of father in suit by administrator of minor.
 Consolidated Traction Co. v. Hone (N. J.), vol. 5, p. 679.
- Imputed negligence of parents.
 Bias v. Chesapeake & O. Ry. Co. (W. Va.), vol. 13, p. 616.
 Ploof v. Burlington Traction Co. (Vt.), vol. 13, p. 702.
- Injuries to children in yard.
 Savannah, etc., R. Co. v. Waller (Ga.), vol. 5, p. 620.
- Injury by street railroad.
 Nelson v. Crescent City R. Co. (La.), vol. 7, p. 192.
- Injury to child on street railway track.
 Bergen County Traction Co. v. Heitman (N. J.), vol. 11, p. 286.
- Injury to children on dangerous premises.
 Missouri, K. & T. R. Co. v. Edwards (Tex.), vol. 5, p. 343.
- Injury to child through violation of ordinance as to rate of speed.
 Graney v. St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 8, p. 187.
- Joint action by parent and son, instructions.
 Gulf, C. & S. F. Ry. Co. v. Johnson (Tex.), vol. 11, p. 291.
- Killing child at crossing who was climbing over trains.
 Carmer v. Chicago, St. P., M. & O. Ry. Co. (Wis.), vol. 8, p. 331.
- Killing child on track.
 Alabama Great Southern R. Co. v. Mooror (Ala.), vol. 9, p. 742.
- Liability for injuries to infant trespasser ejected from moving train.
 Enright v. Pittsburg Junction R. Co. (Pa.), vol. 20, p. 564.
- Liability for injury to boy playing on cross-ties piled in public street.
 Kramer v. Southern Ry. Co. (N. Car.), vol. 20, p. 329.
- Liability for injury to boy playing with unlocked hand car.
 Illinois Cent. R. Co. v. Wilson (Ky.), vol. 21, p. 644.
- Liability for injury to boy trespasser in railroad yard.
 Bledsoe v. Grand Trunk Ry. Co. (Mich.), vol. 20, p. 927.

CHILDREN—*Continued.*

- Liability for injury to child as affected by failure to fence tracks.
 Marengo v. Great Northern Ry. Co. (Minn.), vol. 23, p. 660.
- Liability for injury to child seen by employees playing on standing car, question for jury.
 Tully v. Philadelphia, W. & B. R. Co. (Del.), vol. 20, p. 322.
- Liability of company for carrying child beyond destination.
 Gage v. Illinois Cent. R. Co. (Miss.), vol. 8, p. 377.
- Liability of company where child fell into excavation on right of way and was drowned.
 Dobbins v. Missouri, K. & T. Ry. Co. of Texas (Tex.), vol. 8, p. 179.
- Liability of railroad company for injury to child who strays upon track in consequence of failure of company to fence.
 Rosse v. St. Paul & D. Ry. Co. (Minn.), vol. 7, p. 351.
- Liability of railroad where a child suddenly went under car for a ball.
 Savannah, etc., R. Co. v. Waller (Ga.), vol. 5, p. 620.
- Liability of receiver for negligence of employees in permitting child to ride in dangerous place.
 Burke v. Ellis (Tenn.), vol. 19, p. 695.
- Liability of street railway company where child suddenly runs on track and is killed.
 Callery v. Easton Transit Co. (Pa.), vol. 11, p. 323.
 Culbertson v. Crescent City R. Co. (La.), vol. 6, p. 522.
- Lookout, liability for failure to maintain where proximate cause of death of trespassing child sixteen months of age.
 Mason v. Southern Ry. Co. (S. Car.), vol. 19, p. 83.
- Negligence a question for jury.
 Reilly v. Philadelphia Traction Co. (Pa.), vol. 5, p. 399.
- Negligence of mother of injured child in suffering him to wander upon track was a question for jury.
 Green v. Chicago & W. M. R. Co. (Mich.), vol. 6, p. 317.

CHILDREN—Continued.

- Negligence of parents in allowing child to run on street was not proximate cause of its death.
 Ploof *v.* Burlington Traction Co. (Vt.), vol. 13, p. 702.
- Negligence per se to allow child of about seven years of age to ride on car loaded with loose earth.
 Burke *v.* Ellis (Tenn.), vol. 19, p. 695.
- Obstruction near track of street railway and failure to signal.
 Perry *v.* Macon Consol. St. Ry. Co. (Ga.), vol. 10, p. 819.
- Presumption that boy seven years and four month old standing on railroad track would avoid train.
 Trudell *v.* Grand Trunk Ry. Co. (Mich.), vol. 20, p. 316.
- Presumption that boy thirteen years of age seen near track will keep out of danger.
 Galveston, etc., R. Co. *v.* Kieff (Tex.), vol. 20, p. 238.
- Proximate cause of injury to boy nine years old stumbling over cinders piled near track.
 Anderson *v.* Union Terminal R. Co. (Mo.), vol. 20, p. 834.
- Right of child to recover wages lost in action for personal injuries brought by father as guardian ad litem.
 Lieberman *v.* Third Ave. R. Co. (N. Y.), vol. 12, p. 858.
- Street Railway Accidents.**
- Fox *v.* Oakland Consol. St. Ry. (Cal.), vol. 9, p. 825.
- Kierzenkowski *v.* Philadelphia Traction Co. (Pa.), vol. 9, p. 533.
- Mitchell *v.* Tacoma R. & M. Co. (Wash.), vol. 1, p. 269.
- San Antonio St. R. Co. *v.* Melchler (Tex.), vol. 1, p. 265.
- Slensby *v.* Milwaukee St. Ry. Co. (Wis.), vol. 9, p. 527.
- Street railway's duty towards children in the streets.
 Czezewzka *v.* Benton-Bellefontaine R. Co. (Mo.), vol. 1, p. 258.
- Mitchell *v.* Tacoma R. & M. Co. (Wash.), vol. 1, p. 258.
- Riley *v.* Salt Lake R. T. Co. (Utah), vol. 1, p. 258.

CHILDREN—Continued.

- San Antonio St. R. Co. *v.* Melchler (Tex.), vol. 1, p. 257.
- Wallace *v.* City & Suburban R. Co. (Ore.), vol. 1, p. 258.
- Street railway's liability for injury to child.
 Sciortino *v.* Crescent City R. Co. (La.), vol. 6, p. 526.
- Sufficiency of evidence as to employment of boy to assist in revolving turntable.
 Stacker *v.* Louisville & N. R. Co. (Tenn.), vol. 20, p. 704.
- Testimony of engineer as to whether injury to child could have been prevented.
 Jeffries *v.* Seaboard A. L. R. Co. (N. Car.), vol. 23, p. 339.
- There is no issue of manhood or childhood in an action for injuries to man about twenty years of age caused by his jumping from moving train upon which he was trespassing.
 Western & A. R. Co. *v.* Holcombback (Ga.), vol. 19, p. 351.
- Train running backwards through yards at time of day when children had permission to enter the yard.
 Savannah, etc., R. Co. *v.* Waller (Ga.), vol. 5, p. 620.
- Trespass.**
- Alabama Great Southern Ry. Co. *v.* Mooror (Ala.), vol. 9, p. 742.
- Trespassing on freight car, sufficiency of evidence.**
 Underwood *v.* Western & A. R. Co. (Ga.), vol. 13, p. 739.
- Turntables.**
- Implied invitation.
 Delaware, I. & W. R. Co. *v.* Reich (N. J.), vol. 11, p. 313.
- Turess *v.* New York, S. & W. R. Co. (N. J.), vol. 11, p. 297.
- Liability of company for injury to child playing on turntable.
 Delaware, I. & W. R. Co. *v.* Reich (N. J.), vol. 11, p. 313.
- Turess *v.* New York, S. & W. R. Co. (N. J.), vol. 11, p. 297.

CHILDREN—Continued.

Negligence in leaving unsecured.

East Tennessee & W. N. C. R. Co. *v.* Cargille (Tenn.), vol. 19, p. 282.

Whether instruction as to duty of engineer seeing child on track was contradictory.

Thomas *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 21, p. 586.

Witnesses.

St. Louis, I. M. & S. R. Co. *v.* Warren (Ark.), vol. 13, p. 729.

CIRCUIT COURTS.

See Jurisdiction.

CIRCUMSTANTIAL EVIDENCE.

See Evidence.

CIRCUS.

See Carriers of Goods.

Contract of carriage.

Chicago, Milwaukee, etc., R. Co. *v.* Wallace (C. C. A.), vol. 2, p. 651.

CITIZENSHIP.

See Jurisdiction.

Removal of Causes.

CLASS LEGISLATION.

See Constitutional Law.

CLEARANCE CARDS.

See Judicial Notice.

COLD.

See Carriers of Goods.

COLLISIONS.

See Actions.

Carriers of Passengers.

Injuries and Collisions.

Negligence.

Street Railways.

Action against both companies.

Chicago, R. I. & P. Ry. Co. *v.* Martin (Kan.), vol. 12, p. 4.

Both companies liable where servants of both were negligent.

Chicago, R. I. & P. Ry. Co. *v.* Martin (Kan.), vol. 12, p. 4.

Care to be exercised to avoid.

Highland Ave. & B. R. Co. *v.* Swope (Ala.), vol. 13, p. 856.

Carriers of live stock, instruction as to liability of company

COLLISIONS—Continued.

not engaged in transporting stock.

Williams *v.* Houston & Texas Central R. Co. (Tex.), vol. 2, p. 533.

Carriers of passengers.

Clark *v.* Chicago & Alton R. Co. (Mo.), vol. 2, p. 307.

Collision of two railroad trains at intersection of tracks.

Cleveland, C., C. & St. L. Ry. Co. *v.* Gray (Ind.), vol. 8, p. 48.

Metropolitan, etc., Ry. Co. *v.* Kennedy (C. C. A.), vol. 9, p. 509.

Crossings.

Clark *v.* Chicago & Alton R. Co. (Mo.), vol. 2, p. 307.

Evidence of negligence.

Julius *v.* Pittsburg, A. & M. Traction Co. (Pa.), vol. 9, p. 523.

Hand cars.

Alabama Mineral R. Co. *v.* Jones (Ala.), vol. 8, p. 383.

Intersecting railroads.

Cleveland, etc., R. Co. *v.* Gray (Ind.), vol. 8, p. 48.

Metropolitan St. Ry. Co. *v.* Kennedy (C. C. A.), vol. 9, p. 509.

Intersection of street railways.

Taylor *v.* Grand Ave. Ry. Co. (Mo.), vol. 9, p. 863.

Joint liability of companies using track and operating trains in common for injuries sustained by collision.

Pennsylvania Railroad Co. *v.* Jones (U. S.), vol. 2, p. 390.

Negligence in attempting to cross in front of approaching train having right of way.

Davis *v.* Houston & S. Ry. Co. (La.), vol. 22, p. 751.

Rights of companies inter se, where collisions between their trains.

Williams *v.* Houston & Texas Central R. Co. (Tex.), vol. 2, p. 533.

Separated sections of train.

Richmond & D. R. Co. *v.* Tribble (Va.), vol. 3, p. 632.

Street railways.

Goorin *v.* Allegheny Traction Co. (Pa.), vol. 9, p. 864.

Telegraphic orders admissible in evidence without specific allegations that train dispatcher was negligent.

Rinard *v.* Omaha, etc., Ry. Co. (Mo.), vol. 22, p. 34.

COLORED PERSONS.

*See Carriers of Passengers.
Separate Cars.*

Constitutionality of statutes.

Plessy v. Ferguson (U. S.), vol. 4, p. 277.

Failure of conductor to assign passengers separate coaches.
Louisville, etc., R. Co. v. Commonwealth (Ky.), vol. 5, p. 644.

Failure to furnish equal accommodation.

Norwood v. Galveston, H. & S. A. Railway Co. (Tex.), vol. 3, p. 395.

Protection.

Wood v. Louisville & N. R. Co. (Ky.), vol. 8, p. 711.

COLOR OF TITLE.

Right of way.

St. Louis, etc., R. Co. v. Warfel (Ill.), vol. 6, p. 791.

COMBINATIONS.

See Competing Lines.

COMITY.

See Receivers.

Construction of federal statutes.
Southern Ry. Co. v. Harrison (Ala.), vol. 13, p. 270.

COMMERCE.

See Interstate Commerce.

COMMERCIAL LAWS.

See Interstate Commerce.

COMMISSIONS.

*See Constitutional Law.
Railroad Commissions.*

COMMON CARRIERS.

*See Carriers of Freight.
Carriers of Goods.
Carriers of Live Stock.
Carriers of Passengers.
Demurrage.
Express Companies.*

Common-law liability as affecting recovery against, for loss of baggage.

Ranchau v. Rutland R. Co. (Vt.), vol. 14, p. 416.

Limitation of liability, burden of proof.

Ranchau v. Rutland R. Co. (Vt.), vol. 14, p. 416.

Sleeping car companies.

Pullman Palace-Car Co. v. Lawrence (Miss.), vol. 8, p. 59.

Street railways.

East Omaha St. R. Co. v. Godola (Neb.), vol. 7, p. 300.

COMMON KNOWLEDGE.

See Evidence.

COMMON LAW.

Presumptions.

St. Louis, I. M. & S. Ry. Co. v. Brown (Ark.), vol. 16, p. 440.

Presumption as to common law of sister state.

Crandall v. Great Northern Ry. Co. (Minn.), vol. 21, p. 388.

COMMUTATION TICKETS.

See Tickets and Fares.

COMPARATIVE NEGLIGENCE.

Cicero & Proviso St. R. Co. v. Meixner (Ill.), vol. 4, p. 246.

Missouri Pac. Ry. Co. v. Fox (Neb.), vol. 12, p. 863.

Damages.

Macon & I. S. Elec. St. Ry. Co. v. Holmes (Ga.), vol. 12, p. 385.

Southern Ry. Co. v. Watson (Ga.), vol. 11, p. 839.

COMPETING LINES.

See Constitutional Law.

Leased Lines.

Railroads.

Charter authority to consolidate with other roads, impairment of obligation of contracts.

Pearsall v. Great Northern R. Co. (U. S.), vol. 3, p. 503.

Combination of.

State v. Central of Georgia Ry. Co. (Ga.), vol. 16, p. 845.

Consolidation of railroads.

Pearsall v. Great Northern Ry. Co. (U. S.), vol. 3, p. 503.

Obligations of contracts.

Louisville & Nashville R. Co. v. Kentucky (U. S.), vol. 3, p. 525.

Pearsall v. Great Northern R. Co. (U. S.), vol. 3, p. 503.

Purchase of competing line by railroad corporation.

Farmers' Loan & Trust Co. v. New York & N. Ry. Co. (N. Y.), vol. 7, p. 321.

Validity of combination between.

State v. Central of Georgia Ry. Co. (Ga.), vol. 16, p. 845.

COMPETITION.

See Carriers of Goods.

Carriers of Live Stock.

Carriers of Passengers.

Consolidation of Railroads.

Interstate Commerce.

COMPROMISE.

See Stock, Injuries to.

Tender of rescission of compromise.

Western, etc., R. Co. *v.* Burke (Ga.), vol. 5, p. 386.

CONCURRING CAUSES.

See Carriers of Passengers.

CONDEMNATION.

See Eminent Domain.

CONDITIONAL SALES.

See Sales.

CONDITIONS.

See Passes.

Tickets and Fares.

Construction of conditions subsequent.

Little Rock & Ft. Smith Railway Co. *v.* Birnie (Ark.), vol. 1, p. 645.

Donation of land to railroad.

Little Rock & Ft. Smith Railway Co. *v.* Birnie (Ark.), vol. 1, p. 645.

CONDUCTORS.

See Carriers of Goods.

Carriers of Passengers.

Fellow Servants.

Street Railways.

CONFISCATION.

See Charters.

CONFLICT OF LAWS.

See Fellow Servants.

Master and Servant.

National Corporations.

Personal Injuries.

Actions for injuries where accident occurred in foreign state.

South Carolina & G. R. Co. *v.* Deitzen (Ga.), vol. 10, p. 232.

Actions to recover for injuries received in another state.

Pullman Palace-Car Co. *v.* Lawrence (Miss.), vol. 8, p. 59.

By the law of what state contract of carriage is governed.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Sheppard (Ohio), vol. 6, p. 528.

Construction of contract made in one state for transportation of live stock to another state.

Meuer *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 493.

CONFLICT OF LAWS—Continued.

Contract of carriage governed by law of place of performance.

Burnett *v.* Pennsylvania R. Co. (Pa.), vol. 4, p. 449.

Contract of carriage of passengers, by what law governed.

Illinois Cent. R. Co. *v.* Beebe (Ill.), vol. 11, p. 163.

Death caused by acts committed without the state.

Rudiger *v.* Chicago, etc., R. Co. (Wis.), vol. 6, p. 50.

Enforcement in another state of constitutional provision that knowledge of defective machinery shall not prevent recovery by employees.

Illinois, etc., R. Co. *v.* Ihlenberg (C. C. A.), vol. 5, p. 573.

Extraterritorial effect of employer's liability act.

Chicago & E. I. R. Co. *v.* Rouse (Ill.), vol. 12, p. 706.

Injuries inflicted in another state.

Louisville & N. R. Co. *v.* Williams (Ala.), vol. 9, p. 252.

Kansas court will not enforce the liability created by statute of New Mexico for death by wrongful act it being in part penal, and giving a right of action to the one who would not be entitled to recover under the laws of Kansas in a similar case.

Dale *v.* Atchison, T. & S. F. R. Co. (Kan.), vol. 7, p. 108.

Law controlling where injury and death are in different states.

Van Doren *v.* Pennsylvania R. Co. (C. C. A.), vol. 13, p. 577.

Liability for wrongful death governed by law of state where inflicted.

Cowen *v.* Ray (C. C. A.), vol. 21, p. 531.

Limitation of carrier's liability.

Chicago, B. & Q. R. Co. *v.* Gardiner (Neb.), vol. 6, p. 534.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Sheppard (Ohio), vol. 6, p. 528.

Presumption as to law of another state.

Pierce *v.* Southern Pac. Co. (Cal.), vol. 10, p. 88.

CONFLICT OF LAWS—Continued.

State statute void as in conflict with United States statute.

St. Louis S. W. R. Co. v. Carden (Tex.), vol. 3, p. 448.

Validity of contract limiting liability of carrier.

Meuer v. Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 493.

CONNECTING CARRIERS.

See Baggage.

Burden of Proof.

Carriers of Freight.

Carriers of Goods.

Demurrage.

Interstate Commerce.

Tickets and Fares.

Application of statute providing that accommodations shall be furnished for the transfer and carriage of goods at intersections.

Rutland R. Co. v. Bellows Falls & S. R. St. Ry. Co. (Vt.), vol. 23, p. 675.

Authority of station agent to bind carrier by through contract.

Page v. Chicago, St. Paul, etc., Ry. Co. (S. Dak.), vol. 2, p. 622.

Burden of Proof.

Injury to goods.

Louisville & N. R. Co. v. Tennessee Brewing Co. (Tenn.), vol. 4, p. 661.

Where goods are injured.

Gulf, etc., Ry. Co. v. Jones (Ind. Ter.), vol. 5, p. 695.

Carrier may contract for transportation beyond its own lines.

Page v. Chicago, St. Paul, etc., Ry. Co. (S. Dak.), vol. 2, p. 622.

Carrier misbilling freight over connecting line as agent of other carrier is directly liable to shipper.

Illinois Cent. R. Co. v. Foulks (Ill.), vol. 23, p. 664.

Carrier selling ticket under through-traffic agreement not liable for injuries to passengers on line of another carrier.

Mathews v. Atchison, T. & S. F. R. Co. (Kan.), vol. 12, p. 255.

Complaint in statutory action against terminal carrier.

Cave v. Carolina Mid. Ry. Co. (S. Car.), vol. 13, p. 195.

CONNECTING CARRIERS—Continued.

Condition in railroad aid tax petition requiring connection with noncompeting line not invalid as against public policy.

Bras v. McConnell (Iowa), vol. 23, p. 127.

Contract for through shipment shown by facts and circumstances.

Page v. Chicago, St. Paul, etc., R. Co. (S. Dak.), vol. 2, p. 622.

Contracting carrier liable as initial carrier though goods were hauled from warehouse to depot in same city by another line.

Savannah, F. & W. Ry. Co. v. Commercial Guano Co. (Ga.), vol. 12, p. 848.

Defective Cars.

Corso v. New Orleans & N. E. R. Co. (La.), vol. 5, p. 43.

Pennsylvania R. Co. v. Snyder (Ohio), vol. 7, p. 768.

Ratzer v. Burlington, C. R. & N. Ry. Co. (Minn.), vol. 4, p. 55.

Shea v. Chicago, etc., R. Co. (Minn.), vol. 5, p. 695.

Liability for transfer of defective car where employee is injured.

Pennsylvania R. Co. v. Snyder (Ohio), vol. 7, p. 768.

Transfer of defective car.

Pennsylvania R. Co. v. Snyder (Ohio), vol. 7, p. 768.

Delivery, by carriers by wrong connecting line.

Brown v. Haywood Co. v. Pennsylvania Co. (Minn.), vol. 2, p. 640.

Discrimination against, in issuing through bill of lading.

State v. Wrightsville & T. R. Co. (Ga.), vol. 11, p. 576.

Duty to trace freight, under sec. 2318 of the Civil Code of Georgia, providing for liability for negligence of connecting carrier.

Central of Georgia Ry. Co. v. Murphey (Ga.), vol. 21, p. 555.

- CONNECTING CARRIERS—**
Continued.
- Duty to transfer and carry goods at intersection, recognizance for costs where petition for award under V. S., sec. 3864.
Rutland R. Co. *v.* Bellows Falls & S. R. St. Ry. Co. (Vt.), vol. 23, p. 675.
- Effect of one connecting carrier's failure to publish joint rate on validity of contract to carry.
Va. Coal & Iron Co. *v.* Louisville & N. R. Co. (Va.), vol. 21, p. 261.
- Effect of recital that initial carrier has issued to the consignor a through bill of lading reciting that the entire freight charges have been prepaid, where last carrier pays preceding charges.
American National Bank *v.* Georgia Railroad Co. (Ga.), vol. 2, p. 618.
- Enforcement of statute requiring construction of connections between railroads.
Atlantic, etc., Ry. Co. *v.* State (Fla.), vol. 20, p. 501.
Southern Ry. Co. *v.* Commonwealth (Va.), vol. 20, p. 360.
- Evidence, admissibility of official reports of connecting carriers in action for loss of goods.
Gwyn Harper Mfg. Co. *v.* Carolina Cent. R. Co. (N. Car.), vol. 21, p. 429.
- Evidence, as to delivery for shipment in action against a connecting carrier.
Gwyn Harper Mfg. Co. *v.* Carolina Cent. R. Co. (N. Car.), vol. 21, p. 429.
- Initial carrier as agent of connecting carrier in the sale of coupons.
Chicago & A. R. Co. *v.* Mulford (Ill.), vol. 5, p. 229.
- Initial carrier's negligence a question for jury.
Louisville & N. R. Co. *v.* Farmers' & Drovers' Livestock Commission Firm (Ky.), vol. 17, p. 284.
- Intermediate carrier cannot object to notice of loss provided for in bill of lading.
Gwyn Harper Mfg. Co. *v.* Carolina Cent. R. Co. (N. Car.), vol. 21, p. 429.
- Joint liability.
Gulf, C. & S. F. R. Co. *v.* Edloff (Tex.), vol. 3, p. 453.
- CONNECTING CARRIERS—**
Continued.
- Judgments in proceedings to enforce statutory duty to make connections with other roads.
Southern Ry. Co. *v.* Commonwealth (Va.), vol. 20, p. 360.
- Liability as partners.
Alabama & V. Ry. Co. *v.* Lamkin (Miss.), vol. 21, p. 867.
- Liability for breach of contract to carry in bond.
Smith Bros. & Co. *v.* New Orleans, etc., R. Co. (La.), vol. 22, p. 419.
- Liability for conversion of live stock by connecting carrier.
Little Rock, etc., Ry. Co. *v.* Odom (Ark.), vol. 6, p. 773.
- Liability for damage to goods through negligence of connecting carrier, notice to contracting carrier.
Savannah, F. & W. Ry. Co. *v.* Austin (Ga.), vol. 10, p. 343.
- Liability for delay in transportation of live stock.
St. Louis, I. M. & S. Ry. Co. *v.* Edwards (C. C. A.), vol. 8, p. 402.
- Liability for injury to goods.
Louisville & N. R. Co. *v.* Tennessee Brewing Co. (Tenn.), vol. 4, p. 661.
- Liability for loss in yard of terminal company.
Hunting Elevator Co. *v.* Bosworth (U. S.), vol. 19, p. 651.
- Liability for loss of connecting carrier's cars in yard of terminal company.
Chicago, etc., Ry. Co. *v.* Bosworth (U. S.), vol. 19, p. 680.
- Liability for misbilling freight as affected by relation between carriers created by traffic contract.
Illinois Cent. R. Co. *v.* Foulks (Ill.), vol. 23, p. 664.
- Liability of both companies under contract construed to be lease and not joint traffic arrangement.
Louisville & N. R. Co. *v.* Breden (Ky.), vol. 23, p. 131.
- Liability of carrier after delivery to connecting carrier.
Fremont, etc., R. Co. *v.* Waters (Neb.), vol. 8, p. 753.
- Liability of carrier for default of connecting carrier.
Miller Grain & Elevator Co. *v.* Union Pac. Ry. Co. (Mo.), vol. 8, p. 1.

CONNECTING CARRIERS—CONNECTING CARRIERS—

Continued.

Liability of carrier transferring car over connecting lines for condition of car.

Olson *v.* Pennsylvania & O. Fuel Co. (Minn.), vol. 15, p. 837.

Liability of connecting carriers for breach of contract to carry in bond.

Smith Bros. & Co. *v.* New Orleans, etc., R. Co. (La.), vol. 22, p. 419.

Liability of connecting carrier for through shipment.

Louisville & N. R. Co. *v.* Cooper (Ky.), vol. 17, p. 304.

Liability of contracting carrier where goods left for connecting carrier are lost.

Texas & P. Ry. Co. *v.* Clayton (C. C. A.), vol. 9, p. 821.

Liability of first carrier for loss of goods on its wharf while awaiting transportation by second carrier.

Texas & P. Ry. Co. *v.* Clayton (C. C. A.), vol. 9, p. 821.

Liability of initial carrier beyond its own line, failure to comply with statute requiring carrier to obtain written release.

Va. Coal & Iron Co. *v.* Louisville & N. R. Co. (Va.), vol. 21, p. 261.

Liability of initial carrier for delay.

Louisville & N. R. Co. *v.* Farmers' & Drovers' Livestock Commission Firm (Ky.), vol. 17, p. 284.

Liability of initial carrier for diverting goods from designated route.

Brown & Haywood Co. *v.* Pennsylvania Co. (Minn.), vol. 2, p. 640.

Liability of initial carrier for loss in shipment beyond its own line, under South Dakota statutes.

Sutton *v.* Chicago & N. W. Ry. Co. (S. Dak.), vol. 20, p. 726.

Liability of initial carrier on its own line.

Pennsylvania Railroad Co. *v.* Jones (U. S.), vol. 2, p. 389.

Liability of, on unwarranted contract made by agent of initial carrier.

St. Louis & S. F. R. Co. *v.* Ostrander (Ark.), vol. 16, p. 197.

Continued.

Liability of railroad company transferring loaded cars for short distance.

Missouri Pacific Railway Co. *v.* Wichita Wholesale Grocery Co. (Kan.), vol. 2, p. 560.

Liability to owner of goods.

United States Mail Line Co. *v.* Carrollton Furniture Mfg. Co. (Ky.), vol. 9, p. 286.

Liability under through bill issued by initial carrier is several, not joint.

Cincinnati, N. O. & T. P. Ry. Co. *v.* N. K. Fairbanks & Co. (C. C. A.), vol. 13, p. 179.

Limiting Liability.

A valid condition in a through bill of lading, given by the initial carrier, that the liability of the companies as common carriers should terminate upon the arrival of the goods at the station of delivery, and that afterwards they should be liable as warehousemen only, inures to the benefit of the connecting carrier.

Kansas City, Ft. S. & M. Ry. Co. *v.* Sharp (Ark.), vol. 7, p. 710.

By selling ticket containing stipulation.

St. Clair *v.* Kansas City, M. & B. R. Co. (Miss.), vol. 20, p. 426.

Carrier limiting its liability to its own line.

Page *v.* Chicago, St. Paul, etc., R. Co. (S. Dak.), vol. 2, p. 622.

Carriers of passengers.

Texas & P. R. Co. *v.* Hawkins (Tex. Civ. App.), vol. 2, p. 212.

Contract providing that carrier's liability shall cease on delivery to connecting carrier.

Keller *v.* Baltimore, etc., R. Co. (Pa. St.), vol. 4, p. 263.

Depositing in initial carrier's warehouse as delivery where connecting carrier had no place for reception of goods, under bill of lading providing for termination of liability with delivery to next carrier.

Courteen *v.* Kanawha Dispatch (Wis.), vol. 21, p. 425.

- CONNECTING CARRIERS—**
Continued.
- For damages occurring upon company's own lines.
 - Gulf, C. & S. F. R. Co. v. Crossman (Tex. Civ. App.), vol. 3, p. 425.
 - Liability for negligence of connecting carrier under statutory prohibition against limiting liability.
 - McCann v. Eddy (Mo.), vol. 2, p. 633.
 - Right of carrier to limit liability to its own line.
 - Missouri, K. & T. Ry. Co. v. Bowles (Ind. Ter.), vol. 8, p. 12.
 - Valid condition in a through bill of lading, given by initial carrier, that the liability of the companies as common carriers should terminate upon the arrival of the goods at the station of delivery, and that afterwards they should be liable as warehousemen only inures to the benefit of the connecting carrier.
 - Kansas City, Ft. S. & M. Ry. Co. v. Sharp (Ark.), vol. 7, p. 710.
 - Validity of stipulation by initial carrier against liability.
 - Louisville & N. R. Co. v. Farmers', etc., Live Stock Commission Firm (Ky.), vol. 17, p. 284.
 - Where the contract of shipment of stock beyond a carrier's line provides that there shall be no extraterminal liability for damage to the stock, such liability will not be held to exist against the carrier.
 - Louisville & N. R. Co. v. Tarter (Ky.), vol. 7, p. 607.
 - Mandatory injunction as to selection of.
 - Post v. Southern Ry. Co. (Tenn.), vol. 16, p. 201.
 - Mistake of ticket agent, ejection.
 - Alabama & V. Ry. Co. v. Holmes (Miss.), vol. 10, p. 270.
 - Payment for goods destroyed by collision on connecting line.
 - Pennsylvania Railroad Co. v. Jones (U. S.), vol. 2, p. 390.
- CONNECTING CARRIERS—**
Continued.
- Payment of freight charges advanced to connecting carrier on another shipment as condition precedent to delivery.
 - Robinson v. Dover, etc., R. Co. (Ga.), vol. 8, p. 753.
 - Party defendant where a railroad company is being sued by the interstate commerce commission for carrying freights at an unlawful rate.
 - Texas Pac. Ry. Co. v. Interstate Commerce Commission (U. S.), vol. 5, p. 86.
 - Power conferred on railroad commission to require joint rates.
 - Jacobson v. Wisconsin, M. & P. R. Co. (Minn.), vol. 13, p. 228.
 - Power of jury in fixing terms upon which railroads may conduct their lines.
 - Altoona, etc., R. Co. v. Beech Creek R. Co. (Pa.), vol. 6, p. 787.
 - Presumption as to initial carrier's liability.
 - Cincinnati, N. O. & T. P. Ry. Co. v. N. K. Fairbanks & Co. (C. C. A.), vol. 13, p. 179.
 - Presumption as to negligence.
 - Farmington Mercantile Co. v. Chicago, B. & Q. R. Co. (Mass.), vol. 5, p. 59.
 - Presumption as to which connecting carrier caused loss.
 - Gwyn Harper Mfg. Co. v. Carolina Cent. R. Co. (N. Car.), vol. 21, p. 429.
 - Presumption that injury to baggage occurred on last road.
 - Moore v. New York, N. H. & H. R. Co. (Mass.), vol. 14, p. 210.
 - Railroad using track of another company constitutes servants of latter its agents.
 - Murray v. Lehigh Valley R. Co. (Conn.), vol. 4, p. 210.
 - Receipt of freight charges as establishing a liability for damages inflicted by connecting lines.
 - Taylor v. Maine Central Railroad Co. (Me.), vol. 2, p. 614.
 - Release of liability on part of connecting line by person traveling with live stock.
 - Delaware, L. & W. R. Co. v. Ashley (U. S.), vol. 2, p. 212.

- CONNECTING CARRIERS—**
Continued.
 Relief from liability as common carrier under special contract by connecting carrier.
 Missouri Pacific Railway Co. v. Wichita Wholesale Grocery Co. (Kan.), vol. 2, p. 560.
 Right to contract for liability on connecting lines.
 Taylor v. Maine Central Railroad Co. (Me.), vol. 2, p. 614.
 Selection of.
 Post v. Southern Ry. Co. (Tenn.), vol. 16, p. 201.
 Statutory liability for negligence of connecting carrier.
 McCann v. Eddy (Mo.), vol. 2, p. 633.
 Validity of contract requiring connection with noncompeting line, question for jury.
 Bras v. McConnell (Iowa), vol. 23, p. 127.
 Validity of joint running arrangements as affected by discrimination in rates.
 Bras v. McConnell (Iowa), vol. 23, p. 127.
 Violation of duty to make connections with other roads.
 Southern Ry. Co. v. Commonwealth (Va.), vol. 20, p. 360.
 Whether contract made carrier agent of connecting carrier in forwarding freight, liability for injury.
 Illinois Cent. R. Co. v. Foulks (Ill.), vol. 23, p. 664.
 Whether liable for losses beyond their own lines.
 Hoffman v. Union Pac. Ry. Co. (Kan.), vol. 13, p. 220.
 Whether traffic agreement made carrier agent of connecting carrier.
 Illinois Cent. R. Co. v. Foulks (Ill.), vol. 23, p. 664.
- CONNECTING SWITCHES.**
See Railroad Commissions.
- CONNECTIONS.**
See Connecting Carriers.
Constitutional Law.
Street Railways.
- CONSOLIDATION OF RAILROADS.**
See Competition.
Railroads.
Taxation.
- CONSOLIDATION OF RAILROADS—Continued.**
 Abatement and renewal of actions.
 Curry v. Kansas, etc., Ry. Co. (Kan.), vol. 8, p. 763.
 Charter authority to consolidate with other roads, impairment of obligation of contracts.
 Pearsall v. Great Northern R. Co. (U. S.), vol. 3, p. 503.
 Competing lines.
 Pearsall v. Great Northern R. Co. (U. S.), vol. 3, p. 503.
 Consolidation does not abate condemnation proceedings.
 Day v. New York, S. & W. R. Co. (N. J.), vol. 4, p. 313.
 Conveyance of property of one company to another in consideration of one dollar effected consolidation.
 Chicago, S. F. & C. R. Co. v. Ashling (Ill.), vol. 3, p. 549.
 Definition.
 State, Nolan, Atty. Gen., v. Montana Ry. Co. (Mont.), vol. 11, p. 353.
 Effect of.
 Tompkins v. Augusta Southern R. Co. (Ga.), vol. 11, p. 587.
 Effect of consolidation of corporations on limitation of action.
 Kansas City, W. & N. W. R. Co. v. Way (Kan.), vol. 13, p. 363.
 Effect of on contracts of carriage.
 Tompkins v. Augusta Southern R. Co. (Ga.), vol. 11, p. 587.
 Effect on pending action.
 Chicago, S. F. & C. R. Co. v. Ashling (Ill.), vol. 3, p. 549.
 Exemption from taxation, effect of consolidation of railroads.
 Yazoo, etc., R. Co. v. Adams (U. S.), vol. 20, p. 1.
 Expulsion of passenger traveling on ticket of old company, right of action.
 Tompkins v. Augusta Southern R. Co. (Ga.), vol. 11, p. 587.
 Filing articles of consolidation.
 State v. Chicago & E. I. R. Co. (Ind.), vol. 3, p. 450.
 General power authorizing purchase of other roads.
 Louisville & Nashville R. Co. v. Kentucky (U. S.), vol. 3, p. 525.

1. CONSOLIDATION OF RAILROADS—*Continued.*

Liabilities of consolidating companies.

Tompkins *v.* Augusta Southern R. Co. (Ga.), vol. 11, p. 587.

Liability of new company for debts of predecessor.

Wichita & W. Ry. Co. *v.* Quinn (Kan.), vol. 7, p. 217.

Pacific railroads.

Union Pacific Railway Co. *v.* Gochenour (Kan.), vol. 3, p. 288.

Power to unite with other roads.

Louisville & Nashville R. Co. *v.* Kentucky (U. S.), vol. 3, p. 525.

Rights of new corporations.

Smith *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 8, p. 496.

Street railway companies.

State Consolidated Traction Co. *v.* City of Elizabeth (N. J.), vol. 3, p. 614.

Taxation.

Southern R. Co. *v.* City Council of Greenville (S. Car.), vol. 3, p. 450.

CONSTITUTIONAL LAW.

See Carriers of Passengers.

Contributory Negligence.

Due Process of Law.

Eminent Domain.

Fences.

Fires.

Interstate Commerce.

Ordinances.

Separate Coaches.

Statutes.

Taxation.

Tickets and Fares.

Action to enjoin officers from enforcing certain rates on the ground that they are unconstitutional is not an action against the state within the meaning of the eleventh amendment.

Smyth, Attorney General, *v.* Higginson (U. S.), vol. 10, p. 1.

An order of the state board of transportation under the provisions of the act of March 31, 1887, entitled "an act to regulate railroads and prevent unjust discrimination," etc., which requires a railroad company to surrender a portion of

CONSTITUTIONAL LAW—*Continued.*

its right of way, for an elevator site, to a person or corporation engaged in the buying and shipping of grain, contemplates the taking of property for mere private use, within the constitution, and is accordingly without authority and void.

Chicago, B. & O. R. Co. *v.* State, State Board of Transportation (Neb.), vol. 7, p. 349.

"Anti-scalpers Act" unconstitutional.

People, Tyroler *v.* Warden of City Prison of New York (N. Y.), vol. 14, p. 474.

Authority of state to establish unreasonable rates.

Smyth, Attorney General, *v.* Higginson (U. S.), vol. 10, p. 1.

Competing lines, charter authority to compete with other lines.

Pearsall *v.* Great Northern R. Co. (U. S.), vol. 3, p. 503.

Competing lines, compliance with valid police regulations and changes in corporate charters are not subjects for compensation.

Chicago, M. & St. P. Ry. Co. *v.* City of Milwaukee (Wis.), vol. 9, p. 537.

Condemnation of railroad's right of way over land of coal mining company not an interference with authorized use under Missouri statute.

Kansas, etc., Ry. Co. *v.* Northwestern Coal & Min. Co. (Mo.), vol. 20, p. 593.

Constitution and statute of Kentucky prohibiting a greater charge for short than for long haul, not in conflict with federal constitution or statutes. Illinois Cent. R. Co. *v.* Commonwealth (Ky.), vol. 22, p. 356.

Constitutionality of employer's liability act of Indiana.

Indianapolis Union Ry. Co. *v.* Houlihan (Ind.), vol. 21, p. 915.

Constitutionality of employer's liability act of Missouri of 1897. Powell *v.* Sherwood (Mo.), vol. 22, p. 53.

CONSTITUTIONAL LAW— *Continued.*

- Constitutionality of Georgia statute creating railroad commission.
Trammell *v.* Dinsmore (C. C. A.), vol. 19, p. 468.
- Constitutionality of Ky. St., sec. 820, providing for indictment of railroads for charging more for short than long haul.
Illinois Cent. R. Co. *v.* Commonwealth (Ky.), vol. 23, p. 326.
- Constitutionality of Maine statute prohibiting the bringing of intoxicating liquors within state.
State *v.* Intoxicating Liquors (Me.), vol. 20, p. 511.
- Constitutionality of Minnesota statute requiring license for warehouse on railroad right of way.
Cargill Co. *v.* Minnesota (U. S.), vol. 20, p. 658.
- Constitutionality of Minnesota statute requiring licenses only for elevators or warehouses on railroad right of way or depot grounds.
Cargill Co. *v.* Minnesota (U. S.), vol. 20, p. 658.
- Constitutionality of Nebraska statute rendering carriers of passengers liable in the absence of negligence.
Chicago, R. I. & P. Ry. Co. *v.* Zerneck (Neb.), vol. 17, p. 76.
- Constitutionality of Ohio statute providing for recovery of attorney's fees as cost in action for damage caused by fire.
Baltimore & O. R. Co. *v.* Kreager (Ohio), vol. 18, p. 99.
- Constitutionality of sec. 3, art. 1, ch. 72, Comp. St. of Nebraska, making railroad companies liable for injuries to passengers in absence of negligence.
Chicago, B. & Q. R. Co. *v.* Wolfe (Neb.), vol. 22, p. 26.
- Constitutionality of statute.
Chicago, R. I. & P. Ry. Co. *v.* Zerneck (Neb.), vol. 17, p. 76.
- Constitutionality of statute authorizing the taking of land to abolish grade crossings.
Wheeler *v.* New York, etc., R. Co. (U. S.), vol. 20, p. 143.

CONSTITUTIONAL LAW— *Continued.*

- Constitutionality of statute creating liability regardless of negligence.
Louisville & N. R. Co. *v.* Kice (Ky.), vol. 20, p. 44.
- Constitutionality of statute excluding railroads from benefit of fire tax law.
Atchison, T. & S. F. Ry. Co. *v.* Clark, County Treas. (Kan.), vol. 16, p. 844.
- Constitutionality of statute making it unnecessary to plead absence of contributory negligence.
Southern Ind. Ry. Co. *v.* Peyton (Ind.), vol. 23, p. 343.
- Constitutionality of statute making railroad an insurer against fires.
Blackmore *v.* Missouri Pac. Ry. Co. (Mo.), vol. 21, p. 360.
- Constitutionality of statute not providing for appeal from award of assessors, where property is condemned for public use.
Savannah, etc., R. Co. *v.* Postal Tel. Cable Co. (Ga.), vol. 20, p. 917.
- Constitutionality of statute permitting plaintiff to omit allegations or proof of absence of contributory negligence.
Indianapolis St. Ry. Co. *v.* Robinson (Ind.), vol. 23, p. 181.
- Constitutionality of statute preventing employees from waiving benefit of employer's liability act.
Coley *v.* North Carolina R. Co. (N. Car.), vol. 23, p. 885.
- Constitutionality of statute providing that service of process on operator of railroad is sufficient.
Maysville & B. S. R. Co. *v.* Ball (Ky.), vol. 20, p. 186.
- Constitutionality of statute requiring company to pay entire cost of division fences, where right of way is donated.
Sleadd *v.* Southern Ry. Co. in Kentucky (Ky.), vol. 19, p. 131.
- Constitutionality of statute requiring construction of connections between railroads.
Atlantic, etc., Ry. Co. *v.* State (Fla.), vol. 20, p. 501.

- CONSTITUTIONAL LAW—Continued.**
- Constitutionality of statute requiring payment of excess profits to state.
State *v.* Manchester & L. R. R. (N. H.), vol. 12, p. 874.
 - Constitutionality of statute requiring railroad to lower culvert without compensation.
Chicago & Grand Trunk Ry. Co. *v.* Chappell (Mich.), vol. 19, p. 607.
 - Constitutionality of statute requiring railroads to transport shippers free of charge.
Atchison, T. & S. F. Ry. Co. *v.* Campbell (Kan.), vol. 16, p. 828.
 - Constitutionality of statute requiring track connections at intersections.
Wisconsin, etc., R. Co. *v.* Jacobson (U. S.), vol. 19, p. 634.
 - Construction of clauses of South Carolina constitution providing the employee's knowledge of defect shall be no defence to an action for his injury.
Youngblood *v.* South Carolina & G. R. Co. (S. Car.), vol. 20, p. 622.
 - Contract exempting master from liability for injuries to employees through negligence,—South Carolina constitution.
Johnson *v.* Charleston & S. Ry. Co. (S. Car.), vol. 12, p. 761.
 - Decision of state court as to constitutionality of state law under state constitution not reviewable by supreme court of United States.
Lake Shore & M. S. Ry. Co. *v.* Smith (U. S.), vol. 14, p. 511.
 - Effect of exclusion of pending actions on constitutionality of statute permitting plaintiff to omit allegations or proof of absence of contributory negligence.
Indianapolis St. Ry. Co. *v.* Robinson (Ind.), vol. 23, p. 181.
 - Employer's liability act, constitutionality of.
Pittsburgh, C., C. & St. L. Ry. Co. *v.* Montgomery (Ind.), vol. 9, p. 792.
 - Enjoining state officer from enforcing certain rates of transportation upon the ground that the statute prescribing them is repugnant to the constitution of the United States.
Smyth, Attorney General, *v.* Higginson (U. S.), vol. 10, p. 1.
 - Exemptions from taxation, effect of reserved power to amend or repeal.
St. Louis County *v.* Duluth & I. R. Co. (Minn.), vol. 19, p. 273.
 - Federal jurisdiction where freight rates fixed by state.
Trammell *v.* Dinsmore (C. C. A.), vol. 19, p. 469.
 - Federal questions, constitutionality of statute authorizing the taking of land to abolish grade crossings.
Wheeler *v.* New York, etc., R. Co. (U. S.), vol. 20, p. 143.
 - Florida constitution construed.
State, Lamar, Atty. Gen., *v.* Jacksonville Term. Co. (Fla.), vol. 16, p. 727.
 - Geographical position of state may render certain railroads, standing apart, legitimate subject-matter of legislation.
Terre Haute & I. R. Co. *v.* Cox (C. C. A.), vol. 19, p. 327.
 - Impairing obligation of contract by requiring foreign railroad corporation to become resident corporation.
Com. *v.* Mobile & O. R. Co. (Ky.), vol. 23, p. 185.
 - Impairment of obligation of contracts where contract is between railroads and cities.
Chicago, B. & Q. R. Co. *v.* State of Nebraska (U. S.), vol. 10, p. 423.
 - Interpretation of constitutional provisions.
Board of Railroad Com'rs *v.* Market St. Ry. Co. (Cal.), vol. 23, p. 21.
 - Interrogations for a discovery may be propounded to defendant railroad in civil action for wrongful death, under Alabama statute.
Southern Ry. Co. *v.* Bush (Ala.), vol. 19, p. 46.
 - Invalid legislation under assumed exercise of police power.
Lake Shore & M. S. Ry. Co. *v.* Smith (U. S.), vol. 14, p. 511.

CONSTITUTIONAL LAW — *Continued.*

Limitation of liability of carrier to its own road.

Miller Grain & Elevator Co. v. Union Pac. Ry. Co. (Mo.), vol. 8, p. 1.

Mandamus to compel carrier to furnish equal facilities not unconstitutional.

State v. Texas & P. Ry. Co. (La.), vol. 18, p. 399.

Missouri Laws 1897, p. 96 (employer's liability act), does not violate the federal constitution by depriving the railroad company of property without due process of law.

Powell v. Sherwood (Mo.), vol. 22, p. 53.

Missouri Laws 1897, p. 96 (employer's liability act), is not unconstitutional as class legislation.

Powell v. Sherwood (Mo.), vol. 22, p. 53.

Municipal Corporations.

Act is not unconstitutional because it delegates to city council authority to apportion burden of repairing viaduct among several railroad companies using viaduct.

Chicago, B. & O. R. Co. v. State of Nebraska (U. S.), vol. 10, p. 423.

Nebraska act of 1893 governing rates to be charged by railroad held unconstitutional.

Smyth, Attorney General, v. Higginson (U. S.), vol. 10, p. 1.

Ownership of street railways by city.

Sun Printing, etc., Ass'n v. Mayor of New York (N. Y.), vol. 8, p. 771.

Validity of ordinance amending former ordinance permitting use of double tracks through streets and limiting rights of company to one track for short distance in a very crowded and narrow street.

Mayor, etc., of City of Baltimore v. Trust and Guarantee Co. (U. S.), vol. 7, p. 624.

Validity of ordinance authorizing construction of street

railway, constitutional questions.

Ruckert v. Grand Ave. Ry. Co. (Mo.), vol. 22, p. 641.

Order of railroad commissioners requiring terminal company to furnish facilities to railroad company and fixing reasonable rates therefor is not an appropriation of such terminal company's property without due process of law.

State, Lamar, Atty. Gen., v. Jacksonville Term. Co. (Fla.), vol. 16, p. 727.

Passes, constitutional prohibition of acceptance of free pass by public official.

People v. Rathbone (N. Y.), vol. 2, p. 166.

Power of legislature to fix maximum rates.

Smith v. Lake Shore & M. S. R. Co. (Mich.), vol. 8, p. 496.

Power of state to fix rates.

Chicago, M. & St. P. Ry. Co. v. Tompkins (S. Dak.), vol. 12, p. 70.

Provision of Georgia constitution for compensation in condemnation proceedings, construed.

Austin v. Augusta T. Ry. Co. (Ga.), vol. 17, p. 711.

Provision of South Carolina statute as to fellow servants, construed.

Rutherford v. Southern Ry. Co. (S. Car.), vol. 17, p. 520.

Railroad is a person within the meaning of the fourteenth amendment of the constitution of the United States.

Smyth, Attorney General, v. Higginson (U. S.), vol. 10, p. 1.

Railway in park where there is a prohibition against railroads in streets.

Philadelphia v. McManes (Pa.), vol. 3, p. 652.

Rates, the basis of all calculations as to reasonableness of rates to be charged by railroad company must be a fair value of the property used by it for convenience of the public.

Smyth, Attorney General, v. Higginson (U. S.), vol. 10, p. 1.

CONSTITUTIONAL LAW—

Continued.

Rates, the law of Iowa providing for the punishment of common carriers for fixing discriminating rates is constitutional.

Blair *v.* Sioux City & P. Ry. Co. (Iowa), vol. 10, p. 306.

Repeal of act enlarging the liability of domestic corporations to their servants by constitutional provision declaring that no foreign corporation shall enjoy any greater rights or privileges than those enjoyed by domestic corporations.

Crisswell *v.* Montana Cent. R. Co. (Mont.), vol. 3, p. 652.

Right of parties governed by former constitution.

McHugh *v.* Louisville Bridge Co. (Ky.), vol. 23, p. 946.

Section 24, ch. 39, and sec. 57, ch. 54, of the Code 1891, in allowing subscriptions by magisterial districts in aid of railroads and other works of internal improvement, are not unconstitutional and such subscriptions are valid.

Neale *v.* County Court of Wood County (W. Va.), vol. 7, p. 252.

Separate coaches, police power of state.

Smith *v.* State (Tenn.), vol. 11, p. 144.

Separate coach statute.

Chesapeake & O. R. Co. *v.* Commonwealth (Ky.), vol. 14, p. 508.

State cannot require railroad to be operated without profits within its limits, merely upon the ground that the company earns sufficient on its interstate business to give it just compensation in respect of its entire line.

Smyth, Attorney General, *v.* Higginson (U. S.), vol. 10, p. 1.

Statute allowing double damages for injury to stock through failure to fence.

Kingsbury *v.* Missouri, etc., Ry. Co. (Mo.), vol. 19, p. 719.

Statute authorizing state board of transportation to require railway company to surrender part of its land for the purpose of building and maintaining an

Continued.

elevator by private individuals, held unconstitutional.

Missouri Pac. R. Co. *v.* State of Nebraska, Board of Transportation (U. S.), vol. 6, p. 157.

Statute imposing attorney's fee in case of damage from fire caused by railroad is constitutional.

Atchison, T. & S. F. R. Co. *v.* Matthews (U. S.), vol. 14, p. 89.

Statute providing that fact of communication of fire by railroad shall be prima facie evidence of negligence is constitutional.

Baltimore & O. S. W. Ry. Co. *v.* Tripp (Ill.), vol. 14, p. 119.

Statutes requiring foreign railroad corporation to become resident corporation not invalid as denying equal protection of the laws.

Com. *v.* Mobile & O. R. Co. (Ky.), vol. 23, p. 185.

Statute requiring heating of passenger cars.

New York, N. H. & H. R. Co. *v.* People of the State of New York (U. S.), vol. 8, p. 172.

Statute requiring issuance of mileage ticket is unconstitutional.

Lake Shore & M. S. Ry. Co. *v.* Smith (U. S.), vol. 14, p. 511.

Stock, constitutionality of statute imposing a penalty of double the value of stock killed for failure to give notice.

Jolliffe *v.* Brown (Wash.), vol. 3, p. 254.

Title of statute.

State, Lamar, Atty. Gen., *v.* Jacksonville Term. Co. (Fla.), vol. 16, p. 727.

Validity of state statute forbidding a railroad company from entering into any agreement with its employees whereby it shall be held not liable for injuries to such employees, and declaring such corporations liable for injuries by fellow servants.

Peirce *v.* Van Dusen (C. C. A.), vol. 7, p. 1.

CONSTITUTIONAL LAW—CONSTRUCTIVE APPROPRIATION.

Continued.

Validity of statute making every railroad responsible in damages for property destroyed by fire originating from its locomotives, and declaring such corporations to have an insurable interest in property along their routes.

St. Louis & S. F. R. Co. *v.* Mathews (U. S.), vol. 6, p. 361.

Validity of statute providing for payment of attorney's fee where claims against railroad companies are not promptly paid.

Gulf, C. & S. F. R. Co. *v.*

Ellis (U. S.), vol. 6, p. 752.

Wages of discharged employees.

St. Louis, I. M. & S. Ry. Co. *v.* Paul (U. S.), vol. 12, p. 755.

Where constitution provides that damages may be recovered for death by wrongful act, the word damages has been held to include punitive as well as compensatory damages.

Louisville & N. R. Co. *v.* Kelly (Ky.), vol. 7, p. 165.

CONSTRUCTION.

See Railroads.

Right of Way.

Tickets and Fares.

Burden of proof as to necessity of change of route by company.

Village of Wayzata *v.* Great Northern Ry. Co. (Minn.), vol. 7, p. 360.

Damage to land by overflow of water.

Parker *v.* Norfolk & C. R. Co. (N. Car.), vol. 6, p. 716.

Reception of persons as passengers by conductor of construction train.

Chicago, Kansas & Western R. Co. *v.* Frazer (Kan.), vol. 2, p. 206.

Surveying and locating are not the beginning of construction.

Hodgensville & E. R. Co. *v.* Com. (Ky.), vol. 3, p. 655.

Under law which authorizes railroad company to construct its road along and over any public or private way, if it shall "be necessary" a practical and not an absolute necessity, is meant.

Village of Wayzata *v.* Great Northern Ry. Co. (Minn.), vol. 7, p. 360.

Erection of telegraph poles as evidence of railroad company's intention to appropriate land. Pittsburgh, C., C. & St. L. Ry. Co. *v.* Beck (Ind.), vol. 13, p. 353.

CONTEMPT.

Order of court issued without jurisdiction.

St. Louis, K. & S. R. Co. *v.* Wear (Mo.), vol. 4, p. 583.

CONTINUANCE.

See Trial.

Stipulations.

Southern Kansas Ry. Co. *v.* Pavey (Kan.), vol. 5, p. 590.

CONTRACT FOR INDEMNITY.

Railway company may contract with news company for indemnity against any loss by reason of injury to latter's news boys.

Kansas City, M. & B. R. Co. *v.* Southern Ry. News Co. (Mo.), vol. 14, p. 528.

Right of indemnified party to compromise claim.

Kansas City, M. & B. R. Co. *v.* Southern Ry. News Co. (Mo.), vol. 14, p. 528.

CONTRACTORS.

See Carriers of Freight.

Crossings.

Liens.

Liability to employee for acts of contractor.

Leavitt *v.* Bangor & A. R. Co. (Me.), vol. 7, p. 354.

Negligence of independent contractor.

Sanford *v.* Pawtucket Street Ry. Co. (R. I.), vol. 4, p. 318.

Right to amend answer to show that excavation in highway causing injury was made by contractor.

Nosler *v.* Coos Bay, etc., R. & Nav. Co. (Ore.), vol. 22, p. 719.

Street railway company not liable for negligence of independent contractor.

Sanford *v.* Pawtucket Street Ry. Co. (R. I.), vol. 4, p. 318.

CONTRACTS.*See Actions.**Evidence.**Foreign Cars.**Negligence.**Railroads.**Res Gestæ.**Stations and Depots.**Ultra Vires.**Working Contracts.*

Action for breach of contract for hauling, uncertainty.

- *Baldwin v. Kansas City, etc., R. Co. (Ala.), vol. 6, p. 777.*

Actions on.

Stewart v. Cleveland, C., C. & St. L. Ry. Co. (Ind.), vol. 13, p. 28.

Bill for specific performance of a verbal agreement to sell and convey in fee a certain strip of land for a railroad track.

Norfolk, etc., R. Co. v. McGarry (W. Va.), vol. 6, p. 787.

Breach of contract as cancelling deed for grant of right of way.

Moseley v. Chicago, B. & Q. R. Co. (Neb.), vol. 15, p. 426.

Breach of contract of employment.

Sax v. Detroit, etc., Ry. Co. (Mich.), vol. 20, p. 653.

Construction of.

Louisville & N. R. Co. v. Chesapeake & O. Ry. Co. (Ky.), vol. 16, p. 539.

Construction of, contract for use of siding.

Pittsburgh, C., C. & St. L. Ry. Co. v. Indiana H. Co. (Ind.), vol. 18, p. 83.

Construction where meaning is obscure.

Ullman v. Chicago & N. W. Ry. Co. (Wis.), vol. 23, p. 782.

Contract between railroad company and express company for exemption from liability for injury to express company's employee.

Blank v. Illinois Cent. R. Co. (Ill.), vol. 16, p. 6.

Contracts between railroad corporations.

Union Pac. Ry. Co. v. Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 1.

Contracts between two street railways to prevent competition is contrary to public policy and void.

South Chicago City Ry. Co. v. Calumet Electric St. Ry. Co. (Ill.), vol. 11, p. 789.

CONTRACTS—Continued.

Contracts not set aside for fraud where party claiming fraud has retained benefits.

Petty v. Brunswick & W. Ry. Co. (Ga.), vol. 16, p. 840.

Contracts of carrier not to carry for others, in order to prevent competition, not enforceable.

Cumberland Tel. & Tel. Co. v. Morgan's L. & T. R. Co. (La.), vol. 13, p. 71.

Contracts of railroad corporations.

Union Pac. Ry. Co. v. Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 1.

Contract releasing railroads from damages for killing stock in consideration of railroad's furnishing materials for fence not binding as covenant running with land, where no part of fence was to be on railroad's land.

Louisville & N. R. Co. v. Webster (Tenn.), vol. 22, p. 410.

Effect of failure of servant to make full tender of benefits received under contract releasing master.

Johnson v. Charleston & S. Ry. Co. (S. Car.), vol. 18, p. 556.

Expiration of corporate existence.

Union Pac. Ry. Co. v. Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 2.

Grant of use of track or bridge to other roads.

Union Pac. Ry. Co. v. Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 2.

Liability of carrier of live stock under contract providing that stock shall be unloaded with shipper's assistance and at his risk.

Cooper v. Raleigh & G. R. Co. (Ga.), vol. 18, p. 412.

Liability of connecting carrier on unwarranted contract made by agent of initial carrier.

St. Louis & S. F. R. Co. v. Ostrander (Ark.), vol. 16, p. 197.

Nature of contract to procure free passes.

Curry v. Kansas, etc., Ry. Co. (Kan.), vol. 8, p. 755.

Operating contracts.

St. Joseph, etc., R. Co. v. St. Louis, etc., R. Co. (Mo.), vol. 5, p. 696.

CONTRACTS—Continued.

Power of railroads to contract with each other.

St. Joseph, etc., R. Co. v. St. Louis, etc., R. Co. (Mo.), vol. 5, p. 696.

Ratification.

Richmond Union Pass. Ry. Co. v. Richmond, F. & P. R. Co. (Va.), vol. 15, p. 206.

Ratification of corporate contract by board of directors.

Union Pac. Ry. Co. v. Chicago, etc., R. Co. (U. S.), vol. 6, p. 3.

Receiver's contracts.

South Carolina & G. R. Co. v. Carolina, C., G. & C. Ry. Co. (C. C. A.), vol. 15, p. 212.

Relief associations, validity of contract for release.

Chicago, etc., R. Co. v. Curtis (Neb.), vol. 8, p. 765.

Remedy for breach.

Moseley v. Chicago, B. & Q. R. Co. (Neb.), vol. 15, p. 426.

Validity.

Daniels v. Florida Cent. & P. R. Co. (S. Car.), vol. 23, p. 107.

Validity of contracts granting exclusive privileges at stations.

Hedding v. Gallagher (N. H.), vol. 17, p. 192.

Validity of oral contract of employment.

Sax v. Detroit, etc., Ry. Co. (Mich.), vol. 20, p. 653.

Validity of penalty contracts.

Illinois C. R. Co. v. Southern S. & C. Co. (Tenn.), vol. 18, p. 276.

Verbal contract by railroad to maintain switch for benefit of shipper.

Warner v. Texas & P. R. Co. (U. S.), vol. 6, p. 696.

Verbal contract for right of way.

Texas & P. Ry. Co. v. Scott (C. C. A.), vol. 8, p. 309.

Verbal promise to pay for land which a railroad company has taken possession of for its right of way with consent of owner.

Fries v. Wheeling & L. E. Ry. Co. (Ohio), vol. 6, p. 489.

Want of mutuality.

Missouri, K. & T. Ry. Co. v. Bagley (Kan.), vol. 13, p. 259.

CONTRIBUTORY NEGLIGENCE.

See Accidents on Track.

Carriers of Goods.

Carriers of Live Stock.

Carriers of Passengers.

Children.

Constitutional Law.

Coupling Cars.

Crossings.

Death by Wrongful Act.

Drunkenness.

Fires.

Frightening Teams.

Imputable Negligence.

Interrogatories.

Intoxication.

Licensees.

Master and Servant.

Negligence.

Ordinances.

Pleading.

Proximate Cause.

Railroads in Streets.

Stock, Injuries to.

Street Railways.

Trespassers.

Chicago R. I. & P. Ry. Co. v.

Cowles (Neb.), vol. 11, p. 33.

Absence of must be pleaded.

Haner v. Northern Pac. Ry.

Co. (Idaho), vol. 19, p. 628.

Accident on track, pedestrian failing to look for trains in his rear.

Southern Ry. Co. v. Barfield

(Ga.), vol. 19, p. 702.

Apparent danger destroying self-possession.

Louisville & N. R. Co. v.

Stewart (Ala.), vol. 21, p. 34.

Application of statute making it unnecessary to plead absence of contributory negligence in action for personal injuries.

Southern Ind. Ry. Co. v. Peyton (Ind.), vol. 23, p. 343.

As bar to recovery.

Fisher v. West Virginia P. R.

Co. (W. Va.), vol. 4, p. 86.

As defense under Kentucky statute applicable to willful or gross negligence.

Clark v. Louisville & N. R.

Co. (Ky.), vol. 8, p. 355.

Blind persons.

Florida v. Williams (Fla.), vol. 5, p. 696.

Boy was not guilty of incurring danger to rescue girl.

Becker v. Louisville & N. R. Co. (Ky.), vol. 20, p. 803.

CONTRIBUTORY NEGLIGENCE—Continued.

Burden of proof.

Central Texas & N. W. Railway Co. *v.* Bush (Tex. Civ. App.), vol. 3, p. 264.

Chase *v.* Maine Cent. R. R. (Mass.), vol. 6, p. 343.

Cleveland, C., C. & St. L. Ry. Co. *v.* Miller (Ind.), vol. 9, p. 684.

Cox *v.* Norfolk & C. R. Co. (N. Car.) vol. 12, p. 390.

Haner *v.* Northern Pac. Ry. Co. (Idaho), vol. 19, p. 629.

Houston & T. C. R. Co. *v.* Kelly (Tex. Civ. App.), vol. 3, p. 444.

Hunter *v.* Montana Cent. Ry. Co. (Mont.), vol. 16, p. 615.

Lee *v.* International, etc., R. Co. (Tex.), vol. 5, p. 376.

Leonard *v.* Boston & A. R. R. (Mass.), vol. 13, p. 825.

Mobile & O. R. Co. *v.* Wilson (C. C. A.), vol. 6, p. 97.

Omaha St. Ry. Co. *v.* Martin (Neb.), vol. 4, p. 1.

Burden of proof in action for injuries.

Silcock *v.* Rio Grande W. Ry. Co. (Utah), vol. 18, p. 459.

Care required in order to escape imputation of contributory negligence.

Omaha St. Ry. Co. *v.* Emmin-ger (Neb.), vol. 12, p. 188.

Collision between separated sections of train.

Richmond & D. R. Co. *v.* Tribble (Va.), vol. 3, p. 632.

Conflicting evidence.

Ohio Valley R. Co. *v.* McKinley (Ky.), vol. 3, p. 443.

Constitutionality of statute dispensing with allegations, in action for personal injury.

Indianapolis St. Ry. Co. *v.* Robinson (Ind.), vol. 23, p. 628.

Contributory negligence must be pleaded.

Illinois C. R. Co. *v.* Davis (Tenn.), vol. 18, p. 708.

Contributory negligence need not be the sole cause of accident in order to bar recovery in action for death at crossing.

Louisville & N. R. Co. *v.* Clark (Ky.), vol. 12, p. 407.

Contributory negligence no defense where willfulness and wantonness is charged.

Central of Georgia Ry. Co. *v.* Forshee (Ala.), vol. 18, p. 467.

CONTRIBUTORY NEGLIGENCE—Continued.

Contributory negligence of passenger in riding on platform a question for jury.

Ward *v.* Chicago, M. & St. P. R. Co. (Wis.), vol. 14, p. 322.

Counter claim.

Madden *v.* Port Royal & W. C. R. Co. (S. Car.), vol. 2, p. 384.

Crossings, care to be exercised by person crossing track of railroad in street.

Texas & P. Ry. Co. *v.* Cody (U. S.), vol. 7, p. 479.

Deaf and dumb persons.

Beem *v.* Tama & T. Electric Railway & Light Co. (Iowa), vol. 10, p. 610.

Thompson *v.* Salt Lake Rapid-Transit Co. (Utah), vol. 10, p. 563.

Defense of contributory negligence is not a confession of negligence.

Hasie *v.* Alabama & V. Ry. Co. (Miss.), vol. 20, p. 551.

Defense to action for negligence.

Cooper *v.* Georgia, C. & N. Ry. Co. (S. Car.), vol. 16, p. 12.

Little Rock & Ft. S. Ry. Co. *v.* Smith (Ark.), vol. 13, p. 699.

Defense to negligence in failing to comply with statutory provision as to lookout.

Little Rock & Ft. S. Ry. Co. *v.* Smith (Ark.), vol. 13, p. 699.

Definition.

Cooper *v.* Georgia, C. & N. Ry. Co. (S. Car.), vol. 16, p. 12.

Diminishing damages.

Western & A. R. Co. *v.* Ferguson (Ga.), vol. 22, p. 350.

Direction of verdict.

Henderson *v.* Detroit Citizens' St. Ry. Co. (Mich.), vol. 10, p. 812.

Doctrine not abolished in Arkansas.

St. Louis, etc., R. Co. *v.* Leathers (Ark.), vol. 4, p. 260.

Doctrine that exercise of care may be inferred from instinct of self-preservation rendered inapplicable by evidence.

Gahagan *v.* Boston & M. R. R. (N. H.), vol. 23, p. 141.

Duty to avoid consequences of another's negligence.

Western & A. R. Co. *v.* Ferguson (Ga.), vol. 22, p. 350.

CONTRIBUTORY NEGLIGENCE—*Continued.*

Effect of.

Willingham *v.* Macon & B. Ry. Co. (Ga.), vol. 21, p. 340.

Evidence, harmless error.

Woodward Iron Co. *v.* Andrews (Ala.), vol. 8, p. 756.

Evidence of not considered on hearing of motion to dismiss.

Whitley *v.* Southern Ry. Co. (N. Car.), vol. 12, p. 210.

Evidence of similar acts of contributory negligence.

Simmons *v.* Pennsylvania R. Co. (Pa.), vol. 21, p. 466.

Evidence of speed at crossing prohibited by company's rules, admissible as tending to show absence of contributory negligence.

Davis *v.* Concord & M. R. R. (N. H.), vol. 19, p. 68.

Failure to use reasonable care is. Stephani *v.* Southern Pac. R. Co. (Utah), vol. 14, p. 575.

Fully presented by instruction telling jury that plaintiff could not recover if guilty of negligence.

Louisville, etc., R. Co. *v.* Bowlds (Ky.), vol. 23, p. 553.

Gross negligence will defeat recovery though defendant was also negligent.

Redson *v.* Michigan Cent. R. Co. (Mich.), vol. 15, p. 687.

If not pleaded cannot be relied on.

Ward *v.* Louisville & N. R. Co. (Ky.), vol. 23, p. 462.

Indigent wife leaving afflicted husband unattended.

Jackson *v.* Kansas City, etc., R. Co. (Mo.), vol. 19, p. 99.

Injury caused by an endeavor to escape from an apparent danger.

Missouri, K. & T. Ry. Co. of Texas *v.* Rogers (Tex.), vol. 8, p. 141.

Instructions.

Bodie *v.* Charleston, etc., Ry. Co. (S. Car.), vol. 22, p. 818.

Central Texas & N. W. Railway Co. *v.* Bush (Tex. Civ. App.), vol. 3, p. 264.

Denver & R. G. R. Co. *v.* Spencer (Colo.), vol. 10, p. 536.

CONTRIBUTORY NEGLIGENCE—*Continued.*

East St. Louis Connecting Ry. Co. *v.* Eggman (Ill.), vol. 9, p. 438.

Hasie *v.* Alabama & V. Ry. Co. (Miss.), vol. 20, p. 551.

Jones *v.* Charleston, etc., Ry. Co. (S. Car.), vol. 23, p. 261.

McCreery *v.* Ohio River R. Co. (W. Va.), vol. 8, p. 755.

Mobile & O. R. Co. *v.* Wilson (C. C. A.), vol. 6, p. 97.

Southern Ry. Co. *v.* Pugh (Tenn.), vol. 8, p. 756.

Intoxication.

Kingston *v.* Ft. Wayne & E. Ry. Co. (Mich.), vol. 9, p. 259.

Louisville & N. R. Co. *v.* Cummins (Ky.), vol. 21, p. 774.

Missouri, etc., R. Co. *v.* McGlamory (Tex.), vol. 5, p. 696.

Intoxication, instructions.

Hord *v.* Southern Ry. Co. (N. Car.), vol. 23, p. 756.

Intoxication of trespasser on track is no excuse.

St. Louis, I. M. & S. Ry. Co. *v.* Jordan (Ark.), vol. 13, p. 681.

Loss of presence of mind.

Nosler *v.* Coos Bay, etc., R. & Nav. Co. (Ore.), vol. 22, p. 719.

Mitigation of Damages.

Contributory negligence may be shown in mitigation of damages for injuries partially caused by speed in violation of ordinance.

Central of Georgia Ry. Co. *v.* Tribble (Ga.), vol. 20, p. 794.

Must be proximate cause to defeat recovery.

Youngblood *v.* South Carolina & G. R. Co. (S. Car.), vol. 20, p. 622.

Must be set up in defense.

Hughes *v.* Chicago & Alton R. Co. (Mo.), vol. 2, p. 284.

Negating contributory negligence.

Chicago & E. R. Co. *v.* Thomas (Ind.), vol. 9, p. 181.

- CONTRIBUTORY NEGLIGENCE—Continued.**
- Negligence and contributory negligence.
 McGeary *v.* Old Colony R. Co. (R. I.), vol. 14, p. 764.
 Neininger *v.* Cowan (C. C. A.), vol. 18, p. 492.
 Schweinfurth *v.* Cleveland, C., C. & St. L. Ry. Co. (Ohio), vol. 15, p. 73.
- Negligence and contributory negligence at crossing.
 Central of Georgia Ry. Co. *v.* Forshee (Ala.), vol. 18, p. 467.
- Negligence of driver.
 Clark *v.* Wright (C. C. A.), vol. 8, p. 432.
 Pyle *v.* Clark (C. C. A.), vol. 8, p. 432.
- No defense, in action for injury to stock, if negligence was proximate cause.
 Sauls *v.* D. W. Alderman & Sons Co. (S. Car.), vol. 15, p. 558.
- No defense under statute creating absolute liability for failure to observe statutory precautions to prevent accidents on railroads.
 Walton *v.* Chattanooga Rapid Transit Co. (Tenn.), vol. 19, p. 436.
- No defense where injury at crossing was inflicted willfully and maliciously.
 Elgin, etc., Ry. Co. *v.* Duffy (Ill.), vol. 23, p. 361.
- Nonsuit.
 Plunkett *v.* Central of Ga. Ry. Co. (Ga.), vol. 13, p. 860.
- Not a defense to action by trespasser to recover for injuries caused by willful negligence in ejecting him.
 Illinois Cent. R. Co. *v.* King (Ill.), vol. 13, p. 829.
- Of deaf and dumb persons.
 Beem *v.* Tama & T. Electric Railway & Light Co. (Iowa), vol. 10, p. 610.
 Thompson *v.* Salt Lake Rapid Transit Co. (Utah), vol. 10, p. 563.
- Opinion of witness as to what constitutes, not competent.
 Louisville & N. R. Co. *v.* Milliken (Ky.), vol. 14, p. 742.
- Person in freight house to which there was no step on leaving the house, failed to remember
- CONTRIBUTORY NEGLIGENCE—Continued.**
- the absence of the step: *held*, guilty of contributory negligence.
 St. Louis, etc., R. Co. *v.* Forbes (Ark.), vol. 6, p. 788.
- Pleaded under general denial of liability.
 Kennedy *v.* Southern Ry. Co. (S. Car.), vol. 21, p. 121.
- Pleading.
 Alabama, G. S. R. Co. *v.* Burgess (Ala.), vol. 10, p. 835.
 Alabama, etc., R. Co. *v.* Roach (Ala.), vol. 5, p. 705.
 Cleveland, C., C. & St. L. Ry. Co. *v.* Miller (Ind.), vol. 9, p. 684.
 Illinois Cent. R. Co. *v.* Nall (Ky.), vol. 16, p. 828.
 Johnson *v.* Louisville & N. R. Co. (Ala.), vol. 2, p. 381.
 Kansas City, M. & B. R. Co. *v.* Lackey (Ala.), vol. 7, p. 769.
 Sirk *v.* Marion St. R. Co. (Ind. App.), vol. 2, p. 381.
 Smith *v.* Southern Ry. Co. (N. Car.), vol. 23, p. 777.
- Pleading, absence of.
 Pittsburgh, C., C. & St. L. Ry. Co. *v.* Martin (Ind.), vol. 23, p. 485.
- Pleading and proving, absence of, in federal courts.
 Chicago G. W. Ry. Co. *v.* Price (C. C. A.), vol. 16, p. 324.
- Presumption.
 Evansville Street Railroad Co. *v.* Gentry (Ind.), vol. 5, p. 500.
- Presumption from failure to allege freedom from contributory negligence.
 Southern Ind. Ry. Co. *v.* Peyton (Ind.), vol. 23, p. 343.
- Presumption of negligence where plaintiff had not shown himself free from fault.
 Florida Cent. & P. R. Co. *v.* Burney (Ga.), vol. 6, p. 543.
- Presumption supporting verdict where conflict between verdict and special answers.
 Southern Ind. Ry. Co. *v.* Peyton (Ind.), vol. 23, p. 343.
- Prevents recovery notwithstanding negligence, however great.
 Bolin *v.* Chicago, etc., Ry. Co. (Wis.), vol. 19, p. 735.

CONTRIBUTORY NEGLIGENCE—Continued.

Propriety of instruction that contributory negligence is based upon, and cannot exist without negligence on defendant's part.

Union Stock-Yards Co. v. Goodwin (Neb.), vol. 12, p. 503.

Province of court.

Neal v. Carolina Cent. R. Co. (N. Car.), vol. 18, p. 51.

Proximate cause.

Bowen v. Southern Ry. Co. (S. Car.), vol. 18, p. 331.

Clark v. Wright (C. C. A.), vol. 8, p. 431.

Pyle v. Clark (C. C. A.), vol. 8, p. 431.

Proximate contributory negligence is a defense to action based on simple negligence.

Alabama G. S. R. Co. v. Roach (Ala.), vol. 11, p. 869.

Question for court.

Merritt v. Great Northern Ry. Co. (Minn.), vol. 19, p. 775.

Question for jury.

Allen v. Boston & M. R. R. (Me.), vol. 19, p. 729.

Beecher v. Long Island R. Co. (N. Y.), vol. 12, p. 295.

Bradley v. Second Ave. R. Co. (N. Y.), vol. 12, p. 184.

Cawley v. LaCrosse City Ry. Co. (Wis.), vol. 12, p. 453.

Chesapeake & O. Ry. Co. v. King (C. C. A.), vol. 17, p. 167.

Chicago & A. R. Co. v. Blaul (Ill.), vol. 12, p. 418.

Chicago & A. R. Co. v. Kelly (Ill.), vol. 17, p. 52.

Crouse v. Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 780.

Denver & R. G. R. Co. v. Spencer (Colo.), vol. 18, p. 236.

Exton v. Central R. Co. of New Jersey (N. J.), vol. 14, p. 240.

Johnson v. Great Northern Ry. Co. (N. Dak.), vol. 11, p. 76.

Louisville & N. R. Co. v. Milliken (Ky.), vol. 14, p. 742.

Louisville & N. R. Co. v. Veach (Ky.), vol. 11, p. 24.

McCurrie v. Southern Pac. Co. (Cal.), vol. 12, p. 170.

McTavish v. Great Northern Ry. Co. (N. Dak.), vol. 14, p. 59.

Munch v. Great Northern Ry. Co. (Minn.), vol. 12, p. 586.

CONTRIBUTORY NEGLIGENCE—Continued.

Nelson v. Southern Pac. Co. (Utah), vol. 14, p. 374.

Omaha & R. V. Co. v. Chollette (Neb.), vol. 2, p. 386.

Walker v. Shelton (Kan.), vol. 11, p. 15.

Williams v. Atchison, T. & S. F. R. Co. (Kan.), vol. 12, p. 370.

Question for jury, riding on platform.

Watson v. Portland & G. E. Ry. Co. (Me.), vol. 11, p. 194.

Question for jury where evidence is conflicting.

Alabama G. S. Ry. Co. v. Coggins (C. C. A.), vol. 12, p. 109.

Question for jury where team backed over excavation in highway made by street railway company.

Nosler v. Coos Bay, etc., R. & Nav. Co. (Ore.), vol. 22, p. 719.

Questions of Law and Fact.

Albion Lumber Co. v. De Nobra (C. C. A.), vol. 3, p. 564.

Beaver v. Atchison, T. & S. F. R. Co. (Kan.), vol. 3, p. 442.

Blondel v. St. Paul City R. Co. (Minn.), vol. 6, p. 272.

Bradley v. Chicago, M. & St. P. R. Co. (Mo.), vol. 8, p. 728.

Bronson & Oakes (C. C. A.), vol. 9, p. 166.

Carmer v. Chicago, St. P., M. & O. Ry. Co. (Wis.), vol. 8, p. 331.

Consolidated Traction Co. v. Isley (N. J.), vol. 5, p. 457.

Cookson v. Pittsburgh & W. R. Co. (Pa.), vol. 6, p. 339.

Downey v. Pittsburgh, A. & M. Traction Co. (Pa. St.), vol. 1, p. 276.

Gobleigh v. Grand Trunk Ry. Co. (Vt.), vol. 5, p. 445.

Graney v. St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 8, p. 187.

Illinois Cent. R. Co. v. Mizell (Ky.), vol. 6, p. 337.

Lewis v. President, etc., R. Co. (N. Y.), vol. 2, p. 192.

CONTRIBUTORY NEGLIGENCE—Continued.

- Littlejohn *v.* Richmond & D. R. Co. (S. Car.), vol. 9, p. 873.
- Pomponio *v.* New York, etc., R. Co. (Conn.), vol. 4, p. 259.
- Schaeffer *v.* St. Louis & S. R. Co. (Mo.), vol. 2, p. 224.
- Woodward Iron Co. *v.* Hernndon (Ala.), vol. 7, p. 124.
- Wright *v.* Southern Pac. Co. (Utah), vol. 5, p. 559.
- Person injured by boarding train by passing over the sloping part of the platform instead of going down the steps.
- Rathgebe *v.* Pennsylvania R. Co. (Pa.), vol. 6, p. 288.
- Thoresen *v.* La Crosse City R. Co. (Wis.), vol. 6, p. 101.
- Question for jury, where accident occurs at crossing.
- Strother *v.* South Carolina, etc., R. Co. (S. Car.), vol. 5, p. 430.
- Question of fact.
- Graham *v.* McNeill (Wash.), vol. 12, p. 149.
- Pomponio *v.* New York, etc., R. Co. (Conn.), vol. 4, p. 259.
- Thompson *v.* Northern Pac. Ry. Co. (C. C. A.), vol. 13, p. 651.
- Reckless act not justified by fact that others have performed it.
- Wherry *v.* Duluth, M. & N. Ry. Co. (Minn.), vol. 4, p. 72.
- Riding on footboard of engine.
- Wilcox *v.* San Antonio & A. P. R. Co. (Tex. Civ. App.), vol. 3, p. 441.
- Special pleas, pleading.
- Woodward Iron Co. *v.* Andrews (Ala.), vol. 8, p. 755.
- Stop, look, and listen, failure to look and listen at crossing relying upon automatic signal.
- Conkling *v.* Erie R. Co. (N. J.), vol. 15, p. 61.
- To entitle one to recover for an injury without showing his own freedom from contributory fault, the injurious act or omission must have been purposely and intentionally committed, with a design to produce injury or under such circumstances as that its nat-

CONTRIBUTORY NEGLIGENCE—Continued.

- ural and reasonable consequence would be to injure others of whose situations the actor knows.
- Conner *v.* Citizens' St. R. Co. (Ind.), vol. 7, p. 287.
- Trespasser on track.
- Pharr *v.* Southern R. Co. (N. Car.), vol. 6, p. 726.
- Texas & P. Ry. Co. *v.* Breadow (Tex.), vol. 5, p. 483.
- When recovery not barred by.
- Gilbert *v.* Erie R. Co. (C. C. A.), vol. 18, p. 15.
- Where defendant by exercise of reasonable care might have avoided the injury.
- Baker *v.* Wilmington & W. R. Co. (N. Car.), vol. 3, p. 650.
- Where one injured by colliding with street car was guilty of contributory negligence, there can be no recovery.
- Brown *v.* Wilmington City Ry. Co. (Del.), vol. 12, p. 440.
- Whether riding on platform is negligence per se.
- East Omaha St. R. Co. *v.* Godola (Neb.), vol. 7, p. 300.
- Women.
- Denver, etc., R. Co. *v.* Lorientzen (U. S.), vol. 8, p. 755.

CONVERSION.

- See Carriers of Goods.*
- Downing *v.* Outerbridge (C. C. A.), vol. 10, p. 861.
- Carriers of live stock.
- Gulf, C. & S. F. R. Co. *v.* Fowler (Tex. Civ. App.), vol. 3, p. 423.

COPIES.

- See Evidence.*

CORPORATE EXISTENCE.

- See Corporations.*
- Eminent Domain.*

CORPORATIONS.

- See Estoppel.*
- Foreign Corporations.*
- Parties.*
- Railroads.*
- Street Railways.*
- Contract with officers.
- Danville, H. & W. R. Co. *v.* Kase (Pa.), vol. 10, p. 869.
- Estoppel to deny corporate existence.
- Petty *v.* Brunswick & W. Ry. Co. (Ga.), vol. 16, p. 840.

CORPORATIONS—Continued.

Loss of identity.

Orleans & J. Ry. Co. *v.* Jefferson & L. P. Ry. Co. (La.), vol. 16, p. 699.

Pleading, allegation of corporate existence.

Douglass *v.* Kanawha & M. Ry. Co. (W. Va.), vol. 10, p. 883.

Purchase of competing lines by railroad corporation.

Farmers' Loan and Trust Co. *v.* New York & N. Ry. Co. (N. Y.), vol. 7, p. 321.

Right to take railway property.

City Council of Augusta *v.* Georgia Railroad & Banking Co. (Ga.), vol. 7, p. 384.

Transactions between corporations and officers.

Danville, H. & W. R. *v.* Kase (Pa.), vol. 10, p. 869.

COSTS.

See Eminent Domain. Practice.

Motion to have costs taxed under Cal. Code Civ. Proc., sec. 1033.

Kishlar *v.* Southern Pac. R. Co. (Cal.), vol. 23, p. 948.

COTTON.

See Carriers of Goods.

COUNSEL.

See Arguments of Counsel. Remarks of Counsel.

COUNTIES.

Donation of land by county to railroad, subsequent purchase from county with knowledge.

Roberts *v.* Northern Pacific Railroad Co. (U. S.), vol. 3, p. 106.

COUNTY.

See Highways.

COUNTY SEATS.

Mandamus to compel trains to stop at.

Cleveland, C., C. & St. L. Ry. Co. *v.* People, Jett (Ill.), vol. 14, p. 846.

COUPLERS.

Failure to furnish automatic car couplers is negligence per se in the master.

Troxler *v.* Southern Ry. Co. (N. Car.), vol. 14, p. 711.

COUPLING CARS.

See Master and Servant.

Assumption of Risk.

Assumption of risk from defective coupling.

Norfolk, etc., R. Co. *v.* Ampey (Va.), vol. 5, p. 707.

Assumption of risk from mismatched couplings.

McDonald *v.* Norfolk & W. R. Co. (Va.), vol. 8, p. 552.

Car loaded with rails projecting over deck of car.

Corbin *v.* Winona & St. P. Ry. Co. (Minn.), vol. 3, p. 443.

Contributory Negligence.

Hollenbeck *v.* Missouri Pac. Ry. Co. (Mo.), vol. 3, p. 350.

Houston & T. C. R. Co. *v.* Kelly (Tex. Civ. App.), vol. 3, p. 443.

Nihill *v.* New York, etc., R. Co. (Mass.), vol. 5, p. 462.

Ditch in track from four to six inches deep known to section foreman.

Hollenbeck *v.* Missouri Pacific Railway Co. (Mo.), vol. 3, p. 350.

Failure of engineer to give notice to switchman.

Warax *v.* Cincinnati, N. O. & T. P. R. Co. (Ill.), vol. 3, p. 657.

Fellow servants.

Young *v.* Boston & M. R. Co. (Mass.), vol. 7, p. 776.

Injury owing to dimness of light where employee's lantern was filled with inferior oil.

Huffman *v.* Michigan Cent. R. Co. (Mich.), vol. 5, p. 542.

Negligence causing injury to brakeman coupling cars.

Hollenbeck *v.* Missouri Pac. Ry. Co. (Mo.), vol. 8, p. 277.

Negligent construction of cars known to plaintiff.

Houston & T. C. R. Co. *v.* Kelly (Tex. Civ. App.), vol. 3, p. 443.

Safe rate of speed.

Hollenbeck *v.* Missouri Pacific Railway Co. (Mo.), vol. 3, p. 350.

Side track not ballasted or surfaced.

Missouri Pac. Ry. Co. *v.* Gibson (Kan.), vol. 3, p. 494.

COUPLING CARS—Continued.

Switchman injured by stepping and walking before moving cars.

Smith *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 6, p. 78.

Couplings.

Automatic car coupler, Nebraska statute.

Thompson *v.* Missouri Pac. Ry. Co. (Neb.), vol. 8, p. 761.

Defective couplings.

Thompson *v.* Missouri Pac. Ry. Co. (Neb.), vol. 8, p. 762.

Duty to use self-couplers.

Greenlee *v.* Southern Ry. Co. (N. Car.), vol. 11, p. 45.

Use of uneven couplings or deadwoods on freight cars.

Pennsylvania Co. *v.* Ebaugh (Ind.), vol. 4, p. 200.

COUPONS.

See Bonds.

Preferential Claims.

Interest bearing.

Town Council of Lexington *v.* Union Nat. Bank (Miss.), vol. 9, p. 321.

Interest on matured coupons.

Fox *v.* Hartford & W. H. H. R. Co. (Conn.), vol. 10, p. 456.

Negotiability of overdue coupons.

Fox *v.* Hartford & W. H. H. R. Co. (Conn.), vol. 10, p. 456.

Pledge.

Whether coupons pass with the bond.

Fox *v.* Hartford & W. H. H. R. Co. (Conn.), vol. 10, p. 456.

COUNSEL'S FEES.

See Exemplary Damages.

COURTS.

See Jurisdiction.

Questions of Law and Fact. Trials.

Jurisdiction of court of claims in respect to railroad property seized by government during war.

U. S. *v.* Winchester, etc., R. Co. (U. S.), vol. 4, p. 264.

CREDIBILITY.

See Witnesses.

CREDITORS.

See Preferential Claims. Receivers.

Priority of supply debts.

Southern R. Co. *v.* Carnegie Steel Co., Limited (C. C. A.), vol. 6, p. 420.

CREDITORS' BILLS.

Rights of intervening creditor where there is collusion between mortgagor and mortgagee.

Louisville Trust Co. *v.* Louisville, N. A. & C. Ry. Co. (U. S.), vol. 15, p. 256.

CRIMINAL LAW.

See Carriers of Freight. Indictments.

CRIMINAL NEGLIGENCE.

Chicago, B. & Q. R. Co. *v.* Hague (Neb.), vol. 4, p. 476.

Chicago, B. & Q. R. Co. *v.* Hyatt (Neb.), vol. 4, p. 44.

CROSS BILLS.

See Equity.

CROSS-EXAMINATION.

See Witnesses.

Right of, not destroyed by failure to examine in chief.

Mason *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 83.

CROSSINGS OF RAILROADS.

See Injunctions.

CROSSINGS.

See Accidents on Track.

Bicyclists.

Bridges.

Burden of Proof.

Children.

Collisions.

Constitutional Law.

Contributory Negligence.

Dedication.

Eminent Domain.

Evidence.

Fences.

Frightening Horses.

Gates.

Highways.

Private Crossings.

Railroads in Streets.

Stock, Injuries to.

Trespassers.

CROSSINGS—Continued.

A foot passenger was about to cross a street and a car stopped just before reaching the crossing, each apparently expecting the other to wait, and they both started so nearly together that a collision became unavoidable: *held*, that the question of negligence was for the jury.

Cleary *v.* Pittsburg, A. & M. Traction Co. (Pa.), vol. 6, p. 316.

Allowance of reasonable time to company to construct crossing.

Alabama, etc., Ry. Co. *v.* Odenal (Miss.), vol. 7, p. 770.

Appeal and review, action for personal injuries.

Lawrence *v.* Atchison, etc., R. Co. (Kan.), vol. 6, p. 777.

Apportioning costs where railroad is compelled to furnish interlocking devices.

Minneapolis, etc., R. Co. *v.* Cedar Rapids, etc., Ry. Co. (Iowa), vol. 23, p. 152.

* Backing train across street without looking is negligence.

Florida Cent. & P. R. Co. *v.* Foxworth (Fla.), vol. 13, p. 469.

Care required of company to avoid accidents.

Green *v.* Erie R. Co. (N. J.), vol. 19, p. 308.

Care required of motorman at crossings.

Stafford *v.* Chippewa Val. Elec. R. Co. (Wis.), vol. 23, p. 364.

Care required of trainmen at street crossings.

Louisville & N. R. Co. *v.* Cummins (Ky.), vol. 21, p. 774.

Cattle guards.

Chicago, M. & St. P. Ry. Co. *v.* City of Milwaukee (Wis.), vol. 9, p. 537.

Changing crossings to injury of abutters.

Buchholz *v.* New York, L. E. & W. R. Co. (N. Y.), vol. 3, p. 453.

Children.

Child asleep on track at crossing.

Krenzer *v.* Pittsburgh, C., C. & St. L. Ry. Co. (Ind.), vol. 12, p. 343.

Child injured while sleeping on track at crossing cannot recover although company

CROSSINGS—Continued.

was negligent, unless such negligence was willful or wanton.

Krenzer *v.* Pittsburgh, C., C. & St. L. Ry. Co. (Ind.), vol. 12, p. 343.

Degree of care required.

Goodrich *v.* Burlington, C. R. & N. R. Co. (Iowa), vol. 3, p. 620.

Failure to see car, speed and absence of signals.

Consolidated City, etc., Ry. Co. *v.* Carlson (Kan.), vol. 7, p. 274.

Injury to boy while crossing in front of moving street car.

Henderson *v.* Detroit Citizens' St. Ry. Co. (Mich.), vol. 10, p. 812.

Killing of child who was climbing over train at crossing.

Carmer *v.* Chicago, St. P., M. & O. Ry. Co. (Wis.), vol. 8, p. 331.

Liability for injury to boy induced to pass through obstructing train by statements of brakeman.

Scott *v.* St. Louis, etc., R. Co. (Iowa), vol. 19, p. 63.

Collisions.

Collision at intersection, proximate cause.

Kansas City, M. & B. R. Co. *v.* Lackey (Ala.), vol. 7, p. 777.

Collision between two trains at crossing, street railways.

Orr *v.* Cedar Rapids & M. C. R. Co. (Iowa), vol. 1, p. 239.

Collision of two railroad trains at intersection of tracks, proximate cause.

Cleveland, C., C. & St. L. Ry. Co. *v.* Gray (Ind.), vol. 8, p. 48.

Company not bound to higher degree of care to infirm person at crossing, where they have no knowledge of his infirmity.

Green *v.* Southern Pac. Co. (Cal.), vol. 13, p. 511.

Conclusiveness of acts of railroad commission in approving the crossing of one railroad by another.

Chicago, etc., Ry. Co. *v.* Louisville, etc., R. Co. (Ky.), vol. 19, p. 688.

CROSSINGS—Continued.

- Constitutional law, estoppel to deny constitutionality of statute relating to farm crossings. *Alabama & V. R. Co. v. Ode-neal* (Miss.), vol. 3, p. 449.
- Construction and maintenance. Board of Com'rs, etc., *v. Du-luth, etc., R. Co. (Minn.)*, vol. 6, p. 779.
- Construction of bridge by order of railroad commissioners. *New Haven Steam Sawmill Co. v. City of New Haven* (Conn.), vol. 16, p. 588.
- Construction of overhead bridge in street. *City of Charlottesville v. Southern Ry. Co. (Va.)*, vol. 16, p. 600.
- Construction of, over private road as invitation to cross. *Dublin v. Taylor, B. & H. Ry. Co. (Tex.)*, vol. 13, p. 461.
- Contributory Negligence.**
- Baker v. Pennsylvania R. Co. (Pa.)*, vol. 9, p. 824.
- Clark v. Wright* (C. C. A.), vol. 8, p. 431.
- Grand Trunk Ry. Co. of Canada v. Cobleigh* (C. C. A.), vol. 7, p. 769.
- Highland Ave., etc., Co. v. Fennell* (Ala.), vol. 6, p. 778.
- Hovenden v. Pennsylvania R. Co. (Pa.)*, vol. 6, p. 778.
- Laib v. Pennsylvania R. Co. (Pa.)*, vol. 8, p. 150.
- Lebanon & P. Turnpike Road Co. v. Purdy* (Ky.), vol. 7, p. 777.
- Mayes v. Southern Ry. Co. (N. Car.)*, vol. 6, p. 778.
- Pyle v. Clark* (C. C. A.), vol. 8, p. 431.
- Sutherland v. Cleveland, C., C. & St. L. Ry. Co. (Ind.)*, vol. 8, p. 424.
- Vreeland v. Cincinnati, etc., R. Co. (Mich.)*, vol. 6, p. 778.
- Washington Southern Ry. Co. v. Lacey* (Va.), vol. 6, p. 778.
- Absence of flagman as affecting contributory negligence at crossing where view is obstructed. *Chicago & A. R. Co. v. Blaul* (Ill.), vol. 12, p. 418.
- Accident at street car crossing. *Smith v. City & Suburban*

CROSSINGS—Continued.

- Ry. Co. (Ore.)*, vol. 5, p. 163.
- Admissibility of evidence of dazzling effect of head light. *Weller v. Chicago, M. & St. P. Ry. Co. (Mo.)*, vol. 22, p. 61.
- Although gates were up and flagman absent. *Walker v. Kinnare* (C. C. A.), vol. 6, p. 63.
- A railroad company is not responsible for injuries received by a person who unsuccessfully attempts to cross the track in advance of a train which he knows is approaching the place of crossing. *Burnett v. Eastern & A. R. Co. (N. J.)*, vol. 10, p. 469.
- As affected by excessive speed and failure to give signals. *Schneider v. Chicago, M. & St. P. Ry. Co. (Wis.)*, vol. 11, p. 81.
- As affected by failure to comply with ordinance requiring maintenance of gates and flagman. *Schneider v. Northern Pac. Ry. Co. (Minn.)*, vol. 19, p. 314.
- As a matter of law. *Northern Pac. R. Co. v. Freeman* (U. S.), vol. 15, p. 89.
- Assumption of risk where both negligence and contributory negligence. *Illinois Cent. R. Co. v. Jackson* (Ky.), vol. 23, p. 677.
- Attempting to cross after seeing train. *Central of Georgia Ry. Co. v. Forshee* (Ala.), vol. 18, p. 467.
- Attempting to cross before moving street car. *Blaney v. Electric Traction Co. (Pa.)*, vol. 10, p. 560.
- Attempting to cross in front of approaching train. *Helm v. Louisville & N. R. Co. (Ky.)*, vol. 3, p. 440.
- Attempting to cross in front of train moving at the rate of 35 or 40 miles per hour, where the road was straight for a mile or more. *Huntress v. Boston, etc., R. Co. (N. H.)*, vol. 4, p. 259.

CROSSINGS—Continued.

- Attempting to cross street or railroad crossing after the gates were raised, immediately in the rear of a departing train which obstructed plaintiff's view, and he was injured by a backing train upon the opposite tracks.
Ellis v. Boston & M. R. R. (Mass.), vol. 10, p. 490.
- Attempting to drive across a street railway track before a car.
McDivitt v. Des Moines St. R. Co. (Iowa), vol. 6, p. 106.
- Attempting to drive in front of locomotive emitting steam, contributory negligence as a matter of law.
Miller v. Wellington & P. R. Co. (N. Car.), vol. 20, p. 557.
- Attempting to drive over in front of approaching train.
Green v. Erie R. Co. (N. J.), vol. 19, p. 308.
- Bicyclist, care required at crossing.
Robertson v. Pennsylvania R. Co. (Pa.), vol. 7, p. 605.
- Boy catching his foot between improperly constructed rails when attempting to cross.
Goodrich v. Burlington, C. R. & N. Ry. Co. (Iowa), vol. 10, p. 719.
- Boy's negligence in stepping before moving train while avoiding an engine on other track is for jury.
Steele v. Northern Pac. Ry. Co. (Wash.), vol. 15, p. 129.
- Burden of proof in action for injuries at crossing under S. Car. St., sec. 1692.
Nohrden v. Northeastern R. Co. (S. Car.), vol. 20, p. 241.
- Burden of proving due care on part of deceased.
Chase v. Maine Cent. R. R. (Mass.), vol. 6, p. 343.
- Crawford v. Chicago G. W. Ry. Co.* (Iowa), vol. 16, p. 628.
- Care required of driver of team.
Central R. Co. of New Jersey v. Smalley (N. J.), vol. 10, p. 463.
- Silcock v. Rio Grande W. Ry. Co.* (Utah), vol. 18, p. 459.

CROSSINGS—Continued.

- Care required of highway traveler.
Davis v. Concord & M. R. R. (N. H.), vol. 19, p. 68.
- Green v. Erie R. Co.* (N. J.), vol. 19, p. 308.
- Care required of pedestrian.
Schneider v. Northern Pac. Ry. Co. (Minn.), vol. 19, p. 314.
- Care required of traveler.
Lewis v. Long Island R. Co. (N. Y.), vol. 18, p. 1.
- Care to be exercised by person crossing track of railroad in street.
Texas & P. Ry. Co. v. Cody (U. S.), vol. 7, p. 479.
- Cars obstructing view at crossing.
Louisville, N. A. & C. Ry. Co. v. Patchen (Ill.), vol. 10, p. 852.
- Child injured while sleeping on track at crossing cannot recover although company was negligent, unless such negligence was willful or wanton.
Krenzer v. Pittsburgh, C., C. & St. L. Ry. Co. (Ind.), vol. 12, p. 343.
- Circumstances to be considered by jury.
Louisville & N. R. Co. v. Stewart (Ala.), vol. 21, p. 34.
- Climbing over obstructing cars, question for jury.
Littlejohn v. Richmond & D. R. Co. (S. Car.), vol. 9, p. 873.
- Closed crossing gates.
Lake Shore, etc., Ry. Co. v. Ehlert (Ohio), vol. 19, p. 731.
- Contributory negligence and failure to give signals where child was injured.
Geist v. Missouri Pac. Ry. Co. (Neb.), vol. 22, p. 364.
- Contributory negligence and negligence after discovery of plaintiff's peril.
Memphis & C. R. Co. v. Martin (Ala.), vol. 23, p. 683.
- Contributory negligence as affected by failure to give signals at crossing.
Swanson v. Central R. Co. of New Jersey (N. J.), vol. 16, p. 624.

CROSSINGS—Continued.

- Contributory negligence at.
Fox v. Pennsylvania R. Co.
 (Pa.), vol. 18, p. 198.
- Contributory negligence at crossing as affected by failure to give statutory signals, and excessive speed.
Crawford v. Chicago G. W. Ry. Co. (Iowa), vol. 16, p. 628.
- Contributory negligence in failing to stop, look and listen at crossing as affected by failure to give statutory signals.
Hunter v. Montana Cent. Ry. Co. (Mont.), vol. 16, p. 615.
- Contributory negligence inferred.
Dotty v. Atlantic City R. Co. (N. J.), vol. 18, p. 157.
- Contributory negligence of boy who drove over crossing without stopping, looking and listening is for jury.
Illinois Cent. R. Co. v. Jones
 (C. C. A.), vol. 15, p. 16.
- Contributory negligence of traveler at crossing is question for jury.
Swack v. New York, L. E. & W. R. Co. (N. Y.), vol. 16, p. 609.
- Contributory negligence per se at crossing.
Ring v. Chicago, St. P. & K. C. Ry. Co. (Iowa), vol. 11, p. 93.
- Contributory negligence will bar recovery though train was violating ordinance as to speed and there was negligence as to signals and look-out.
Neal v. Carolina Cent. R. Co. (N. Car.), vol. 18, p. 51.
- Crossing before moving train.
Hanson v. Penn. R. Co. (N. J.), vol. 12, p. 404.
- Mott v. Detroit, G. H. & M. Ry. Co. (Mich.)*, vol. 15, p. 113.
- Crossing before moving train is such contributory negligence as to prevent recovery for death caused thereby, even though the company was negligent as to signals and flagmen.
Hanson v. Pennsylvania R. Co. (N. J.), vol. 12, p. 404.

CROSSINGS—Continued.

- Crossing between freight cars where street crossing is blocked by freight train.
Wherry v. Duluth, M. & N. Ry. Co. (Minn.), vol. 4, p. 72.
- Crossing between train not negligence per se.
Southern Ry. Co. v. Prather
 (Ala.), vol. 14, p. 832.
- Crossing street railways in front of moving train.
Watson v. Mound City Street Railway Co. (Mo.), vol. 3, p. 385.
- Crossing when safety gates are closed is contributory negligence as a matter of fact.
Buckley v. Flint & P. M. R. Co. (Mich.), vol. 15, p. 1.
- Cures failure to admit evidence as to ordinance limiting speed.
Sutherland v. Cleveland, C. & St. L. Ry. Co. (Ind.), vol. 8, p. 424.
- Deaf and dumb persons.
Phillips v. Detroit, G. H. & M. R. Co. (Mich.), vol. 6, p. 319.
- Deaf persons.
Hovenden v. Pennsylvania R. Co. (Pa.), vol. 6, p. 778.
- Mayes v. Southern Ry. Co. (N. Car.)*, vol. 6, p. 778.
- Phillips v. Detroit, G. H. & M. R. Co. (Mich.)*, vol. 6, p. 319.
- Deceased had right to presume that defendant complied with ordinance requiring signals and lights at crossing.
Weller v. Chicago, M. & St. P. Ry. Co. (Mo.), vol. 22, p. 61.
- Driving across in front of approaching train, question for jury.
New York, S. & W. R. Co. v. Moore (C. C. A.), vol. 21, p. 462.
- Driving in front of moving train where absence of evidence of having stopped within reasonable distance.
Born v. Philadelphia & R. R. Co. (Pa.), vol. 22, p. 723.
- Driving over while asleep.
Dalton v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 460.

CROSSINGS—Continued.

- Duty of pedestrian to look out for vehicles.
McGrath v. North Jersey St. Ry. Co. (N. J.), vol. 22, p. 790.
- Duty to stop and listen where view of tracks is obstructed to within ten feet thereof.
Hook v. Missouri Pac. Ry. (Mo.), vol. 21, p. 787.
- Effect of absence of flagman where pedestrian was apprised of danger.
Louisville & N. R. Co. v. Cummins (Ky.), vol. 21, p. 774.
- Effect of failure to give signals and excessive speed at crossing, on contributory negligence.
Schneider v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 11, p. 81.
- Effect of failure to look and listen where statutory signals were not given.
Chicago & E. R. Co. v. Thomas (Ind.), vol. 21, p. 343.
- Evidence of habits of deceased as to carefulness at crossings.
Davis v. Concord & M. R. R. (N. H.), vol. 19, p. 68.
- Evidence of habit of falling asleep in vehicle.
Dalton v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 460.
- Evidence of movements of other trains, in action for injury to bicycle rider at crossing.
Louisville & N. R. Co. v. Stewart (Ala.), vol. 21, p. 34.
- Evidence of similar acts of contributory negligence.
Dalton v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 460.
- Evidence that deceased was careful and sober repels inference of negligence.
Missouri Pac. Ry. Co. v. Moffatt (Kan.), vol. 12, p. 397.
- Failure of boy driver of cattle to look and listen.
McGill v. Minneapolis & St. L. R. Co. (Iowa), vol. 20, p. 790.
- Failure to give signals.
Austin & N. W. R. Co. v. McElmurry (Tex. Civ. App.), vol. 3, p. 445.

CROSSINGS—Continued.

- Failure to give signals at crossing as affecting.
Herbert v. Southern Pac. Co. (Cal.), vol. 11, p. 94.
- Failure to look and listen.
Green v. Southern Pac. Co. (Cal.), vol. 21, p. 26.
- Failure to look and listen shown by physical facts.
Hook v. Missouri Pac. Ry. Co. (Mo.), vol. 21, p. 787.
- Failure to look and listen, verdict not consistent with special findings.
Schulte v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 21, p. 356.
- Failure to look for train.
Chicago, B. & Q. R. Co. v. Yost (Neb.), vol. 21, p. 92.
- Illinois Cent. R. Co. v. Crockert (Miss.)*, vol. 21, p. 246.
- Failure to provide crossing of sufficient width for passage of harvesting machine.
Atchison, T. & S. F. R. Co. v. Henry (Kan.), vol. 12, p. 482.
- Going on track before moving train is contributory negligence as a matter of law.
Ring v. Chicago, St. P. & K. C. Ry. Co. (Iowa), vol. 12, p. 452.
- Gross negligence of traveler, sufficiency of evidence.
Nohrden v. Northeastern R. Co. (S. Car.), vol. 20, p. 241.
- Gross or willful negligence, question for jury.
Strother v. South Carolina, etc., R. Co. (S. Car.), vol. 5, p. 430.
- Habits of deceased as evidence of his due care.
Smith v. Boston & M. R. R. (N. H.), vol. 19, p. 320.
- In driving across tracks at a slow trot.
Atchison, T. & S. F. R. Co. v. Shaw (Kan.), vol. 3, p. 248.
- Instructions.
Louisville & N. R. Co. v. Stewart (Ala.), vol. 21, p. 34.
- Mott v. Detroit, G. H. & M. Ry. Co. (Mich.)*, vol. 15, p. 113.
- Nohrden v. Northeastern R. Co. (S. Car.)*, vol. 20, p. 241.

CROSSINGS—Continued.

- Instruction not warranted by evidence.
 Philadelphia & B. C. R. Co.
 v. Holden (Md.), vol. 22,
 p. 192.
- Intoxication.
 Louisville & N. R. Co. *v.*
 Cummins (Ky.), vol. 21,
 p. 774.
- Killing of bicyclist at cross-
 ing.
 Kimball *v. Friend* (Va.),
 vol. 8, p. 451.
- Knowingly using defective
 bridge over crossing.
 Evans *v. Charleston & W.*
 C. Ry. Co. (Ga.), vol. 15,
 p. 200.
- Leaving horses untied near.
 Silcock *v. Rio Grande W.*
 Ry. Co. (Utah), vol. 18,
 p. 459.
- Liability a question for jury
 where there was contribu-
 tory negligence and speed
 in violation of ordinance.
 Hutchinson *v. Missouri Pac.*
 Ry. Co. (Mo.), vol. 20, p.
 700.
- Liability of railroad company,
 where it fails to give signals,
 but deceased might have
 seen train.
 State, to Use of Price, *v.*
 Cumberland & P. R. Co.
 (Md.), vol. 10, p. 511.
- Looking and listening, special
 finding.
 Schulte *v. Chicago, M. & St.*
 P. Ry. Co. (Iowa), vol. 21,
 p. 356.
- Matter of law.
 Cleveland, C., C. & St. L.
 Ry. Co. v. Miller (Ind.),
 vol. 9, p. 684.
- Mitigation of damages.
 Artenberry *v. Southern Ry.*
 Co. (Tenn.), vol. 15, p. 847.
- Mitigation of damages in ac-
 tion for injuries partially
 caused by speed in violation
 of ordinance.
 Central of Georgia Ry. Co.
 v. Tribble (Ga.), vol. 20,
 p. 794.
- Negligence and contributory
 negligence, questions for
 jury.
 Kowalski *v. Chicago G. W.*
 Ry. Co. (Iowa), vol. 23,
 p. 32.
- No defense where injury was

CROSSINGS—Continued.

- inflicted willfully and mali-
 ciously.
 Elgin, etc., *Ry. Co. v. Duffy*
 (III.), vol. 23, p. 361.
- No recovery in action for kill-
 ing person at crossing where
 no evidence as to the pres-
 ence or absence of contribu-
 tory negligence.
 Wieland *v. President, etc.,*
 of D. & H. Canal Co.
 (N. Y.), vol. 21, p. 130.
- Not contributory negligence as
 matter of law to cross tracks
 in front of approaching
 street car.
 Schneider *v. Market St. Ry.*
 Co. (Cal.), vol. 23, p. 692.
- Not proximate cause as matter
 of law.
 Schneider *v. Market St. Ry.*
 Co. (Cal.), vol. 23, p. 692.
- Obstruction of crossing.
 Atchison, etc., *R. Co. v.*
 Cross (Kan.), vol. 8, p. 757.
- Obstruction of crossing, pass-
 ing around train.
 Atchison, etc., *R. Co. v.*
 Powers (Kan.), vol. 8, p.
 757.
- Obstruction of view at cross-
 ing.
 Walker *v. Mercer* (Kan.), vol.
 18, p. 159.
- Of child was for the jury.
 Carmer *v. Chicago, St. P.*
 M. & O. Ry. Co. (Wis.),
 vol. 8, p. 331.
- Of driver.
 Clark *v. Wright* (C. C. A.),
 vol. 8, p. 431.
- Pyle *v. Clark* (C. C. A.), vol.
 8, p. 431.
- One injured at crossing where
 he should have seen train is
 guilty of contributory negli-
 gence as matter of law.
 Northern Pac. R. Co. *v. Free-*
 man (U. S.), vol. 15, p. 89.
- Passing between opening in
 long train of cars in freight
 yard.
 Wallace *v. New York, N. H.*
 & H. R. Co. (Mass.), vol.
 3, p. 443.
- Passing closed crossing gates.
 Lake Shore, etc., *Ry. Co. v.*
 Ehlert (Ohio), vol. 19, p.
 731.
- Passing over car of train ob-
 structing crossing is.
 Barr *v. Southern Ry. Co.*
 (Tenn.), vol. 19, p. 261.

CROSSINGS—Continued.

Passing through obstructing train relying on statements of brakeman, question for jury.

Scott *v.* St. Louis, etc., R. Co. (Iowa), vol. 19, p. 63.

Pedestrian crossing railroad in the street where view is obstructed.

Berkeley *v.* C. & O. Ry. Co. (W. Va.), vol. 8, p. 758.

Person standing on track waiting for train to pass killed by another section backing without warning, question of his contributory negligence was for jury.

Williams *v.* Atchison, T. & S. F. R. Co. (Kan.), vol. 12, p. 370.

Plaintiff attempting to cross street stopped on defendant's track, when gong was rung by an approaching train, instead of crossing track, stepped backwards and fell into a manhole. It was held that the fall was the result of failure to use care.

Lumis *v.* Philadelphia Traction Co. (Pa.), vol. 10, p. 847.

Plaintiff's foot caught in hole in planking between defendant's tracks.

Baltimore & O. R. Co. *v.* Anderson (C. C. A.), vol. 10, p. 497.

Plaintiff relieved by defendant's default of the burden of proving his intestate was lawfully on track.

Sullivan *v.* New York, N. H. & H. R. Co. (Conn.), vol. 20, p. 108.

Plaintiff struck by one car while trying to avoid another.

Graff *v.* Detroit Citizens' St. Ry. Co. (Mich.), vol. 5, p. 447.

Presumption as to care of person killed at crossing.

Louisville & N. R. Co. *v.* Clark (Ky.), vol. 12, p. 407.

Presumption as to object of brakeman in attempting to cross track where he was killed.

Jones *v.* Flint & P. M. R. Co. (Mich.), vol. 21, p. 904.

CROSSINGS—Continued.

Presumption as to person having seen approaching train.

Wood *v.* Penn. R. Co. (Pa.), vol. 5, p. 672.

Presumption of due care by person killed at crossing.

Crawford *v.* Chicago G. W. Ry. Co. (Iowa), vol. 16, p. 628.

Presumption of where deceased drove on track in front of approaching train which he should have seen.

Hook *v.* Missouri Pac. Ry. Co. (Mo.), vol. 21, p. 787.

Question for jury.

Bard *v.* Philadelphia & R. Ry. Co. (Pa.), vol. 21, p. 782.

Consolidated Traction Co. *v.* Isley (N. J.), vol. 5, p. 457.

Cookson *v.* Pittsburgh & W. R. Co. (Pa.), vol. 6, p. 340.

Highland, etc., R. Co. *v.* Sampson (Ala.), vol. 5, p. 719.

Illinois Cent. R. Co. *v.* Mizell (Ky.), vol. 6, p. 337.

Laib *v.* Pennsylvania R. Co. (Pa.), vol. 8, p. 150.

Mott *v.* Detroit, G. H. & M. Ry. Co. (Mich.), vol. 15, p. 113.

North Jersey St. Ry. Co. *v.* Schwartz (N. J.), vol. 22, p. 620.

Philpott *v.* Penn. R. Co. (Pa.), vol. 5, p. 471.

Southern Pac. Co. *v.* Harada (C. C. A.), vol. 22, p. 375.

Swack *v.* New York, L. E. & W. R. Co. (N. Y.), vol. 16, p. 609.

Woehrle *v.* Minnesota Transfer Ry. Co. (Minn.), vol. 19, p. 529.

Wright *v.* Southern Pac. Co. (Utah), vol. 5, p. 560.

Question for jury where view was obstructed.

Elgin, etc., Ry. Co. *v.* Duffy (Ill.), vol. 23, p. 361.

Reliance on performance of duty to give signals, question for jury.

Smith *v.* Boston & M. R. R. (N. H.), vol. 19, p. 320.

Right to attempt to save vehicle at personal risk.

Traver *v.* Spokane St. R. Co. (Wash.), vol. 22, p. 759.

CROSSINGS—Continued.

- Right to pass between cars obstructing street.
Burns v. Southern Ry. Co. (S. Car.), vol. 22, p. 624.
- Similar acts of contributory negligence.
Dalton v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 460.
- Snowstorms.
Gobleigh v. Grand Trunk Ry. Co. (Vt.), vol. 5, p. 445.
- Snowstorms, view obstructed.
Gobleigh v. Grand Trunk Ry. Co. (Vt.), vol. 5, p. 445.
- Special trains.
Vincent v. Morgan's L. & T. R. & Steamship Co. (La. Ann.), vol. 5, p. 463.
- Speed prohibited by company's rules, evidence of admissible as tending to show absence of contributory negligence.
Davis v. Concord & M. R. R. (N. H.), vol. 19, p. 68.
- Stop, look and listen.
Vincent v. Morgan's L. & T. R. & Steamship Co. (La. Ann.), vol. 5, p. 463.
- Stop, look and listen, question for jury.
Cummins v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 470.
- Elston v. Del. L. & W. R. Co.* (Pa.), vol. 21, p. 354.
- McCusker v. Penn. R. Co.* (Pa.), vol. 21, p. 351.
- Sufficiency of evidence.
Henavie v. N. Y. Cent. & H. R. R. Co. (N. Y.), vol. 21, p. 31.
- Moore v. Charlotte Electric St. Ry. Co.* (N. Car.), vol. 22, p. 785.
- Schmidt v. Great Northern Ry. Co.* (Minn.), vol. 21, p. 95.
- Smith v. Boston & M. R. R.* (N. H.), vol. 19, p. 320.
- Sufficiency of evidence in action for injury to driver of vehicle.
Fairbanks v. Bangor, O. & O. Ry. Co. (Me.), vol. 22, p. 756.
- The negligence of a foot passenger in making such use of railroad tracks while a train is approaching from a short distance will not excuse the company if he was seen, or would have been seen had there been a lookout on the

CROSSINGS—Continued.

- engine, in time to avoid injury.
Baltimore & O. R. Co. v. Anderson (C. C. A.), vol. 10, p. 497.
- Travelers charged with notice of danger.
Cleveland, C., C. & St. L. Ry. Co. v. Miller (Ind.), vol. 9, p. 684.
- View of crossing obstructed by cars.
Willet v. Michigan Cent. R. Co. (Mich.), vol. 9, p. 18.
- Violation of ordinance requiring signals and lights, question for jury.
Weller v. Chicago, M. & St. P. Ry. Co. (Mo.), vol. 22, p. 61.
- When contributory negligence at does not bar recovery.
Gilbert v. Erie R. Co. (C. C. A.), vol. 18, p. 15.
- Where evidence showed that deceased, in broad daylight, without looking out for cars, apparently absorbed in meditation, stepped from a bridge upon defendant's track.
Stewart v. New York, N. H. & H. R. Co. (Mass.), vol. 10, p. 520.
- Where gates were up and flagman absent.
Walker v. Kinnare (C. C. A.), vol. 6, p. 63.
- Whether crossing before moving train is negligence per se.
Chicago & W. I. R. Co. v. Ptacek (Ill.), vol. 10, p. 481.
- Crossings of Railroads.**
Chicago & Calumet Terminal Railway Co. v. Whiting, Hammond & East Chicago Street Railway Co. (Ind.), vol. 1, p. 181.
- Citizens' Pass. R. Co. v. East Harrisburg Pass. R. Co.* (Pa.), vol. 1, p. 189.
- West Jersey R. Co. v. Camden, G. & W. R. Co.* (N. J.), vol. 1, p. 189.
- Contract between railroad and electric line for maintenance of gates and flagmen at crossings as affected by statute of frauds.
Richmond Union Pass. Ry. Co. v. Richmond, F. & P. R. Co. (Va.), vol. 15, p. 206.

CROSSINGS—Continued.

- Contract between railroad and electric road for maintenance of gates and watchmen.
 Richmond Union Pass. Ry. Co. *v.* Richmond, F. & P. R. Co. (Va.), vol. 15, p. 206.
- Costs of crossing.
 Maine Cent. R. Co. *v.* Waterville, etc., Co. (Me.), vol. 8, p. 756.
- Decision of commissioners.
 Maine Cent. R. Co. *v.* Waterville, etc., Co. (Me.), vol. 8, p. 757.
- First occupant of two railroads whose lines cross.
 Kushequa R. Co. *v.* Pittsburgh, etc., R. Co. (Pa.), vol. 23, p. 160.
- Judicial notice of advantage to railroad and electric line crossing it of gates and watchmen.
 Richmond Union Pass. Ry. Co. *v.* Richmond, F. & P. R. Co. (Va.), vol. 15, p. 206.
- Negligence of engineer in attempting to cross in front of train having right of way.
 Davis *v.* Houston & S. Ry. Co. (La.), vol. 22, p. 751.
- Police power with respect to the extension of streets over right of way.
 Chicago, M. & St. P. Ry. Co. *v.* City of Milwaukee (Wis.), vol. 9, p. 537.
- Railroads may be compelled to furnish interlocking devices under Iowa Code, sec. 2063.
 Minneapolis, etc., R. Co. *v.* Cedar Rapids, etc., Ry. Co. (Iowa), vol. 23, p. 152.
- Rights as between two intersecting railroads.
 Metropolitan St. Ry. Co. *v.* Kennedy (C. C. A.), vol. 9, p. 509.
- Right of priority between railroads.
 Chicago City Ry. Co. *v.* Taylor (Ill.), vol. 9, p. 513.
 Metropolitan St. Ry. Co. *v.* Kennedy (C. C. A.), vol. 9, p. 509.
- Right of railroad to prevent street railway from crossing its tracks in street at grade.
 Chester Traction Co. *v.* Philadelphia, W. & B. R. Co. (Pa.), vol. 12, p. 428.

CROSSINGS—Continued.

- Right of street railway to cross other railway.
 Southern Ry. Co. *v.* Atlanta R. T. Co. (Ga.), vol. 18, p. 425.
- Right to enjoin interference with other company crossing at grade.
 Carlisle, etc., Ry. Co. *v.* Philadelphia, etc., R. Co. (Pa.), vol. 22, p. 754.
- Statute requiring trains to be stopped at crossing of tracks.
 Clark *v.* Chicago & Alton R. Co. (Mo.), vol. 2, p. 307.
 Seamans *v.* Delaware, etc., R. Co. (Pa. St.), vol. 4, p. 260.
- Street railways may cross steam railroad without condemnation proceedings.
 Southern Ry. Co. *v.* Atlanta R. T. Co. (Ga.), vol. 18, p. 425.
- Street railways, one road enjoining another from crossing its track at grade.
 Highland Ave. & B. R. Co. *v.* Birmingham Ry. & Elec. Co. (Ala.), vol. 9, p. 502.
 Philadelphia, W. & B. R. Co. *v.* Wilmington City Ry. Co. (Del.), vol. 9, p. 493.
- Whether contract giving railroad right to cross other railroad required construction of interlocking system of crossing.
 Chicago, etc., Ry. Co. *v.* Chicago, etc., Ry. Co. (Wis.), vol. 23, p. 575.
- Damages, measure of damage for construction of, over right of way.
 Illinois Cent. R. Co. *v.* Town of Normal (Ill.), vol. 13, p. 367.
- Damages, measure of damages for crossing over highway.
 Richmond, N. I. & B. R. Co. *v.* Estill County (Ky.), vol. 13, p. 365.
- Damages, railroad's right to compensation where street is constructed across its right of way.
 Paterson, N. & N. Y. R. Co. *v.* Mayor, etc., of City of Newark (N. J.), vol. 10, p. 182.

CROSSINGS—Continued.

- Death through collision of trains of different roads at a crossing, liability for injury to passenger.
 Chicago, K. & W. R. Co. v. Ransom (Kan.), vol. 3, p. 259.
- Degree of care to be observed by railroads.
 Coulter v. Great Northern Ry. Co. (N. Dak.), vol. 4, p. 336.
- Discontinuance of highway crossed by railroad.
 Nickerson v. New York, N. H. & H. R. Co. (Mass.), vol. 21, p. 806.
- Duty of company to repair track.
 Baltimore & O. R. Co. v. Anderson (C. C. A.), vol. 10, p. 497.
 Louisville & N. R. Co. v. Smith (Ky.), vol. 10, p. 506.
- Duty of driver of car when approaching crossings.
 Thoresen v. La Crosse City R. Co. (Wis.), vol. 1, p. 261.
- Duty of railway company and traveler.
 Texas & P. Ry. Co. v. Cody (U. S.), vol. 7, p. 479.
- Duty to check speed.
 Central of Georgia Ry. Co. v. Hall (Ga.), vol. 18, p. 26.
- Duty to construct and maintain highway crossing where highway is laid out over railroad.
 Commonwealth v. Louisville & N. R. Co. (Ky.), vol. 18, p. 663.
- Duty to restore highway, statutes, action for wrongful death.
 Bush v. Delaware, L. & W. R. Co. (N. Y.), vol. 21, p. 516.
- Duty to stop street railway cars at crossing.
 Jackson Electric Ry. Light & Power v. Lowry (Miss.), vol. 23, p. 103.
- Evidence.**
- Absence of evidence of negligence or contributory negligence, in action for death of employee crossing tracks.
 Elliott v. Western & A. R. Co. (Ga.), vol. 21, p. 889.
- Admissibility of public records as tending to shew a public way, in action for

CROSSINGS—Continued.

- injuries received by reason of defect in highway crossing.
- Nickerson v. New York, N. H. & H. R. Co. (Mass.), vol. 21, p. 806.
- Admissions as evidence of negligence in killing bicyclist.
 Kimball v. Friend (Va.), vol. 8, p. 451.
- Admissions of injured plaintiff.
 Payne v. Chicago & A. R. Co. (Mo.), vol. 6, p. 291.
- As to danger of crossing.
 English v. Southern Pac. R. Co. (Utah), vol. 4, p. 63.
- As to signals and speed.
 Danbert v. Delaware, L. & W. R. Co. (Pa.), vol. 21, p. 456.
- Diagram of crossing in evidence.
 Western & A. R. Co. v. Stafford (Ga.), vol. 5, p. 172.
- Evidence that highway antedated construction of railroad.
 Sutton v. Chicago, etc., R. Co. (Wis.), vol. 10, p. 100.
- Expert evidence as to distance within which car may be stopped.
 Traver v. Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.
- Habit of falling asleep in vehicle.
 Dalton v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 460.
- Immaterial error in admission of evidence.
 Atchison, T. & S. F. R. Co. v. Shaw (Kan.), vol. 3, p. 248.
- Nonexpert testimony as to speed of train.
 Louisville & N. R. Co. v. Stewart (Ala.), vol. 21, p. 34.
- No recovery, for death, where no evidence as to presence or absence of contributory negligence.
 Wieland v. President, etc., of Delaware & H. Canal Co. (N. Y.), vol. 21, p. 130.

CROSSINGS—Continued.

Of movements of other trains as bearing on the question of contributory negligence, in action for injury to bicycle rider.

Louisville & N. R. Co. *v.* Stewart (Ala.), vol. 21, p. 34.

Opinion evidence.

Louisville & N. R. Co. *v.* Stewart (Ala.), vol. 21, p. 34.

Presumption that deceased looked and listened before going on track.

Weller *v.* Chicago, M. & St. P. Ry. Co. (Mo.), vol. 22, p. 61.

Evidence sufficient to sustain verdict for plaintiff in action for personal injuries.

Nashville, etc., Ry. Co. *v.* Lawson (Tenn.), vol. 19, p. 252.

Extinguishment of easement reserved in grant to railroad.

Knowlton *v.* New York, N. H. & H. R. Co. (Conn.), vol. 16, p. 573.

Facts showing negligence.

Smith *v.* Southeastern Railway Company (Eng.), vol. 3, p. 452.

Failure to provide crossings of sufficient width for passage of harvesting machine as negligence.

Atchison, T. & S. F. R. Co. *v.* Henry (Kan.), vol. 12, p. 482.

Farm Crossings.

Action for failure to construct farm crossing not barred by statute of limitation.

Louisville & N. R. Co. *v.* Pittman (Ky.), vol. 18, p. 329.

Adverse possession against railroad under statute.

Costello *v.* Grand Trunk Ry. Co. (N. H.), vol. 19, p. 386.

Care required in furnishing.

Louisville & N. R. Co. *v.* Pittman (Ky.), vol. 23, p. 55.

Company not entitled to notice of defect in overhead crossing caused by its act.

Louisville & N. R. Co. *v.* Pittman (Ky.), vol. 23, p. 55.

CROSSINGS—Continued.

Construction.

State, Stone, Atty. Gen., *v.* Burlington, C. R. & N. Ry. Co. (Iowa), vol. 7, p. 610.

Damages for change of location.

Costello *v.* Grand Trunk Ry. Co. (N. H.), vol. 19, p. 386.

Defect in petition cured in action for damages for defendant's failure to furnish proper farm crossings.

Louisville & N. R. Co. *v.* Pittman (Ky.), vol. 23, p. 55.

Duty of railroad company as to farm crossings.

Czech *v.* Great Northern Ry. Co. (Minn.), vol. 7, p. 374.

Duty of railroad to construct, under contract.

Louisville & N. R. Co. *v.* Pittman (Ky.), vol. 23, p. 55.

Duty to close gates.

Mooers *v.* Northern Pac. Ry. Co. (Minn.), vol. 17, p. 753.

Swanson *v.* Chicago, M. & St. P. Ry. Co. (Minn.), vol. 17, p. 753.

Duty to construct farm crossings.

State, Stone, Atty. Gen., *v.* Burlington, C. R. & N. Ry. Co. (Iowa), vol. 7, p. 610.

Evidence of existence of right.

Costello *v.* Grand Trunk Ry. Co. (N. H.), vol. 19, p. 386.

Landowner cannot acquire right by adverse possession so as to be able to prevent company from changing crossing.

Schrimper *v.* Chicago, etc., R. Co. (Iowa), vol. 23, p. 385.

Landowner could not acquire prescriptive right to crossing constructed by railroad company for his benefit.

Atchison, T. & S. F. R. Co. *v.* Conlon (Kan.), vol. 22, p. 76.

Location.

Costello *v.* Grand Trunk Ry. Co. (N. H.), vol. 19, p. 386.

CROSSINGS—Continued.

Prescriptive right to underground.

Cleveland, etc., Ry. Co. v. Munsell (Ill.), vol. 23, p. 579.

Reciprocal duty of landowner and company.

Atchison, T. & S. F. R. Co. v. Conlon (Kan. App.), vol. 15, p. 195.

Reservation of right to farm crossing as enuring to grantor's successors.

Knowlton v. New York, N. H. & H. R. Co. (Conn.), vol. 16, p. 573.

Reservation of right to farm crossing in grant to railroad.

Knowlton v. New York, N. H. & H. R. Co. (Conn.), vol. 16, p. 573.

Rights of landowner.

Atchison, T. & S. F. Ry. Co. v. Conlon (Kan. App.), vol. 15, p. 195.

Right of tenant by curtesy to maintain action for obstruction and removal.

Costello v. Grand Trunk Ry. Co. (N. H.), vol. 19, p. 386.

Right to enjoin destruction of underground.

Cleveland, etc., Ry. Co. v. Munsell (Ill.), vol. 23, p. 579.

Stock killing at farm crossings.

Louisville, N. A. & C. R. Co. v. McAfee (Ind.), vol. 3, p. 436.

Flagmen.

Absence of flagman as affecting contributory negligence of one at crossing where view is obstructed.

Chicago & A. R. Co. v. Blaul (Ill.), vol. 12, p. 418.

Duty to have.

Hutcherson v. Louisville & N. R. Co. (Ky.), vol. 15, p. 846.

Missouri, K. & T. Ry. Co. of Texas v. Magee (Tex.), vol. 15, p. 186.

Failure to place watchman at crossing where there is an electric signal bell.

Northern Cent. Ry. Co. v. Medairy (Md.), vol. 7, p. 526.

CROSSINGS—Continued.

Implied invitation to cross.

Woehrlé v. Minnesota Transfer Ry. Co. (Minn.), vol. 19, p. 529.

Foot of plaintiff's horse caught in dangerous hole in roadbed resulting in his being thrown out of vehicle and injured.

Louisville & N. R. Co. v. Smith (Ky.), vol. 10, p. 506.

Foot passengers are entitled to use railroad tracks as a crossing of an intersecting street.

Baltimore & O. R. Co. v. Anderson (C. C. A.), vol. 10, p. 497.

Frightening Horses.

Duty of company to person approaching crossing.

Walters v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 15, p. 606.

Engine under excessive and unnecessary pressure of steam.

Louisville N. A. & C. Ry. Co. v. Schmidt (Ind.), vol. 6, p. 571.

Failure to look for moving cars before driving to crossing.

Walters v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 15, p. 606.

Giving of statutory signals, frightening horses.

Louisville & N. R. Co. v. Smith (Ky.), vol. 15, p. 613.

Sufficiency of evidence.

Flaherty v. Harrison (Wis.), vol. 10, p. 176.

Usual movements of trains does not render company liable.

Walters v. Chicago, M. & St. P. R. Co. (Wis.), vol. 15, p. 606.

Gatemen.

Liability of company for injury resulting to pedestrian from gateman's attempt to save him from apparent danger.

McAnally v. Pennsylvania R. Co. (Pa.), vol. 17, p. 741.

Statutory immunity from keeping watch at crossing does not relieve the com-

CROSSINGS—Continued.

pany from the exercise of reasonable care.

St. Louis, etc., Ry. Co. v. Stewart (Ark.), vol. 20, p. 571.

Gates.

Pennsylvania R. Co. v. Pfuelb (N. J.), vol. 7, p. 738.

Care required in management.

Smith v. Atlantic City R. Co. (N. J.), vol. 22, p. 268.

Closed gates as warning to public.

Lake Shore, etc., Ry. Co. v. Ehlert (Ohio), vol. 19, p. 731.

Defective gates.

Texas, etc., Ry. Co. v. Bigham (Tex.), vol. 6, p. 791.

Defective gates as proximate cause of injury.

Baltimore & O. R. Co. v. Anderson (C. C. A.), vol. 5, p. 667.

Duty to look and listen as affected by fact that crossing gates are open, in action for injury to traveler struck by gate.

Smith v. Atlantic City R. Co. (N. J.), vol. 22, p. 268.

Duty to look and listen of a person struck by gate.

Smith v. Atlantic City R. Co. (N. J.), vol. 22, p. 268.

Failure to have gates and flagman.

Atchison, etc., R. Co. v. Powers (Kan.), vol. 8, p. 757.

Implied invitation to cross.

Woehrlé v. Minnesota Transfer Ry. Co. (Minn.), vol. 19, p. 529.

Invitation to cross.

Fennell v. Harris (Pa.), vol. 9, p. 709.

Negligence of gateman, question for jury, in action for injury to pedestrian struck by gate.

Smith v. Atlantic City R. Co. (N. J.), vol. 22, p. 268.

CROSSINGS—Continued.

Open gates an invitation to cross.

Roberts v. Delaware & H. Canal Co. (Pa.), vol. 5, p. 664.

Unreasonable ordinance.

State v. Committee (N. J.), vol. 5, p. 697.

Validity of ordinance compelling railway to keep watchman and gates.

Pittsburg, C., C. & St. L. R. Co. v. Town of Crown Point (Ind.), vol. 6, p. 324.

Grade Crossings.

Delaware & H. Canal Co. v. Scranton & P. Traction Co. (Pa.), vol. 7, p. 537.

Crossing of railroad and street railways.

Williams Val. R. Co. v. Lykens & W. Val. St. Ry. Co. (Pa.), vol. 16, p. 718.

Damages for abolition of grade crossing.

Boston & A. R. Co. v. City of Worcester (Mass.), vol. 23, p. 679.

Liability of city and railroad for consequential damages caused by change of grade crossing to overhead crossing by order of railroad commissioner.

New Haven Steam Sawmill Co. v. City of New Haven (Conn.), vol. 16, p. 588.

Sufficiency of petition for appointment of grade crossing commissioners.

In re Grade Crossing Com'rs of City of Buffalo (N. Y.), vol. 21, p. 746.

Whether avoidable is question for court.

Williams Val. R. Co. v. Lykens & W. Val. St. Ry. Co. (Pa.), vol. 16, p. 718.

Highways, duty of railway as to leaving highway in good condition.

Sutton v. Chicago, etc., R. Co. (Wis.), vol. 10, p. 100.

Highways, duty to construct bridge.

City of Charlottesville v. Southern Ry. Co. (Va.), vol. 16, p. 600.

CROSSINGS—Continued.

Highways, railroad's right to compensation where street is constructed across its right of way.

Paterson, N. & N. Y. R. Co. v. Mayor, etc., of City of Newark (N. J.), vol. 10, p. 182.

Imputable negligence.

Clark v. Wright (C. C. A.), vol. 8, p. 431.

Pyle v. Clark (C. C. A.), vol. 8, p. 431.

Injury to cattle.

Bunnell v. Rio Grande, etc., R. Co. (Utah), vol. 4, p. 261.

Injury to street car passenger at railroad crossing, concurring negligence.

Washington & G. R. Co. v. Hickey (D. C.), vol. 9, p. 865.

Invitation to cross.

Fennell v. Harris (Pa.), vol. 9, p. 709.

Killing of stock.

Alabama Midland Ry. Co. v. Gassett (Ga.), vol. 5, p. 607.

Mesic v. Atlantic & N. C. R. Co. (N. Car.), vol. 7, p. 770.

Knowledge of plaintiff's danger.

Wherry v. Duluth, M. & N. Ry. Co. (Minn.), vol. 4, p. 72.

Liability a question for jury, unless no recovery can be had upon any view which can be taken of the facts which the evidence tends to establish.

Davis v. Concord & M. R. R. (N. H.), vol. 19, p. 68.

Liability for injury to bicyclist caused by failure to keep bridge in repair.

Sonn v. Erie R. Co. (N. J.), vol. 22, p. 389.

Liability for injury to trespasser induced to pass through obstructing trains by statements of brakeman.

Davis v. Concord & M. R. R. (N. H.), vol. 19, p. 68.

Liability of railroad for collision with train of another road.

Chicago, R. I. & P. R. Co. v. Groves (Kan.), vol. 3, p. 454.

CROSSINGS—Continued.

Liability of railroad for negligence of independent contractor in repairing crossing. Deming v. Terminal Ry. of Buffalo (N. Y.), vol. 23, p. 815.

Liability of railroad for servant's error of judgment in sudden emergency at crossing.

Lewis v. Long Island R. Co. (N. Y.), vol. 18, p. 1.

Liability where contributory negligence and negligence after plaintiff's peril.

Memphis & C. R. Co. v. Martin (Ala.), vol. 23, p. 683.

Licensees, company's duty to. Devoe v. New York, O. & W. Ry. Co. (N. J.), vol. 15, p. 124.

Lights.

Negligence in backing locomotive over crossing with no light on tender except trainman's lantern.

Sullivan v. New York, N. H. & H. R. Co. (Conn.), vol. 20, p. 108.

Ordinance requiring railway to light crossing.

Cleveland, C., C. & St. L. Ry. Co. v. City of Connersville (Ind.), vol. 9, p. 195.

Sufficiency of finding as to sufficiency of train light.

Sullivan v. New York, N. H. & H. R. Co. (Conn.), vol. 20, p. 108.

Lookouts.

Central of Georgia Ry. Co. v. Forshee (Ala.), vol. 18, p. 467.

Johnson v. Great Northern Ry. Co. (N. Dak.), vol. 11, p. 76.

Care required in backing train at crossing at populous place.

Downing v. Morgan's L. & T. Ry. & S. S. Co. (La.), vol. 20, p. 412.

Duty to keep lookout on rear of train.

Green v. Chicago & W. M. R. Co. (Mich.), vol. 6, p. 317.

CROSSINGS—Continued.

Duty to look after travelers near crossing, to avoid frightening horses.
Inabnett v. St. Louis, etc., Ry. Co. (Ark.), vol. 20, p. 590.

Duty to maintain lookout.
Bradley v. Ohio River & C. Ry. Co. (N. Car.), vol. 18, p. 340.

Duty to maintain where track is used as footpath.
Morgan v. Wabash R. Co. (Mo.), vol. 20, p. 372.

Duty to station lookout while switching cars at.
Florida Cent. & P. R. Co. v. Foxworth (Fla.), vol. 13, p. 469.

Failure of company to have lookout on rear of backing train is independent cause of injuries of one injured while going over trestle habitually used as a crossing.

Malmstrom v. Northern Pac. Ry. Co. (Wash.), vol. 12, p. 329.

Lookout at rear of car.
Cookson v. Pittsburg & W. R. Co. (Pa.), vol. 6, p. 339.

Lookout must be kept while switching cars at crossing in populous city.

Steele v. Northern Pac. Ry. Co. (Wash.), vol. 15, p. 129.

Lookout on rear of train.
Green v. Chicago & W. M. R. Co. (Mich.), vol. 6, p. 317.

Negligence, question for jury.

Sullivan v. New York, N. H. & H. R. Co. (Conn.), vol. 20, p. 108.

Statutory immunity from keeping watch at crossing does not relieve the company from the exercise of reasonable care.

St. Louis, etc., Ry. Co. v. Stewart (Ark.), vol. 20, p. 571.

The negligence of a foot passenger in making such use of railroad tracks while a train is approaching from a short distance will not excuse the company if he was seen, or would have been

CROSSINGS—Continued.

seen had there been a lookout on the engine, in time to avoid injuring him.
Baltimore & O. R. Co. v. Anderson (C. C. A.), vol. 10, p. 497.

Master and Servant.

Fellow-servant rule not available where employee sustained injury on crossing after working hours.

Sullivan v. New York, N. H. & H. R. Co. (Conn.), vol. 20, p. 108.

Liability of company for injuries at crossing caused by unauthorized use of hand car by employee.

Branch v. International & G. N. R. Co. (Tex.), vol. 12, p. 378.

Servant at work on track at crossing cannot rely on rule of master requiring lookout on rear of car backing over crossing.

Carlson v. Cincinnati, S. & M. R. Co. (Mich.), vol. 14, p. 803.

Measure of care required of railroads by sec. 1, ch. 4071, Laws 1891, of Florida.

Morris v. Florida Cent. & P. R. Co. (Fla.), vol. 22, p. 559.

Mere fact that crossing is dangerous does not prove negligence.

Edwards v. Atlantic Coast Line R. Co. (N. Car.), vol. 23, p. 38.

Mere operation of street car at crossing so as to render it dangerous for person about to cross not negligence.

Stafford v. Chippewa Val. Elec. R. Co. (Wis.), vol. 23, p. 364.

Mutual duty of company and traveler.

Rafferty v. Erie R. Co. (N. J.), vol. 21, p. 778.

Mutual duty of exercising care in approaching.

Texas & P. R. Co. v. Spradling (U. S.), vol. 3, p. 439.

Mutual obligations of street railways and travelers to avoid collision.

Traver v. Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.

CROSSINGS—Continued.

- Negligence.
 McElroy *v.* Georgia, etc., R. Co. (Ga.), vol. 5, p. 697.
 Pyle *v.* Clark (Utah), vol. 5, p. 156.
 Negligence a question for jury.
 Philpott *v.* Penn. R. Co. (Pa.), vol. 5, p. 471.
 Negligence and contributory negligence.
 Central of Georgia Ry. Co. *v.* Forshee (Ala.), vol. 18, p. 467.
 Gilbert *v.* Erie R. Co. (C. C. A.), vol. 18, p. 15.
 Johnson *v.* Great Northern Ry. Co. (N. Dak.), vol. 11, p. 76.
 Neininger *v.* Cowan (C. C. A.), vol. 18, p. 492.
 Negligence and contributory negligence, question for jury.
 Johnson *v.* Great Northern Ry. Co. (N. Dak.), vol. 11, p. 76.
 St. John *v.* New York Cent. & H. R. R. Co. (N. Y.), vol. 22, p. 728.
 Negligence a question for the jury.
 Herbert *v.* Southern Pac. Co. (Cal.), vol. 11, p. 94.
 Negligence, evidence that one was killed by a train backing without warning at a point habitually used as a crossing is sufficient to take case to jury.
 Cox *v.* Norfolk & C. R. Co. (N. Car.), vol. 12, p. 390.
 Negligence of company as to obstruction of view a question of fact.
 Missouri, K. & T. Ry. Co. of Texas *v.* Rogers (Tex.), vol. 8, p. 141.
 Negligence of servant in operating hand car used without authority does not render master liable.
 Branch *v.* International & G. N. R. Co. (Tex.), vol. 12, p. 378.
 Negligence, view obstructed by trees and bushes.
 Atchison, T. & S. F. R. Co. *v.* Willey (Kan.), vol. 6, p. 565.
 Notice of injury required by statute must be given.
 Nickerson *v.* New York, N. H. & H. R. Co. (Mass.), vol. 21, p. 806.

CROSSINGS—Continued.

- Not necessarily negligence to obstruct crossing by train, for a few minutes in order to transact business.
 Miller *v.* Wellington & P. R. Co. (N. Car.), vol. 20, p. 557.
 Obstruction of crossing by railroad, construction of statute imposing penalty.
 Simon *v.* Baltimore & O. R. Co. (Pa.), vol. 3, p. 654.
 Opening between cars as invitation to cross.
 Weldon *v.* Philadelphia, W. & B. R. Co. (Del.), vol. 13, p. 759.
 Ordinance limiting speed admissible in evidence.
 Overtoom *v.* Chicago & E. I. R. Co. (Ill.), vol. 15, p. 849.
 Overhead crossing where street railway intersects with railroad.
 Delaware & H. Canal Co. *v.* Scranton & P. Traction Co. (Pa.), vol. 7, p. 537.
 Permissive use by public as creating.
 Bradley *v.* Ohio River & C. Ry. Co. (N. Car.), vol. 18, p. 340.
 Pleading right to pass over, departure.
 Cederson *v.* Oregon R. & Nav. Co. (Ore.), vol. 21, p. 624.
 Pleading statute requiring stopping of trains.
 Cleveland, C., C. & St. L. Ry. Co. *v.* Gray (Ind.), vol. 8, p. 48.
 Pleading, whether amendment introduced new cause of action.
 Raleigh & G. R. Co. *v.* Bradshaw (Ga.), vol. 22, p. 572.
 Power of city to enact an ordinance to compel passenger cars operated by trolley or electric power to come to full stop before crossing intersecting streets.
 Cape May, D. B. & S. P. R. Co. *v.* City of Cape May (N. J.), vol. 6, p. 329.
 Presumption as to whether opening between cars is an invitation to cross.
 Weldon *v.* Philadelphia, W. & B. R. Co. (Del.), vol. 13, p. 759.

CROSSINGS—Continued.**Private Crossings.**

Application of Pennsylvania statute giving railroad right to remove crossing on right of way.

Mt. Pleasant Coal Co. v. Delaware, etc., R. Co. (Pa.), vol. 23, p. 568.

Care due from company at.

Southern Ry. Co. v. Barbour (Ky.), vol. 15, p. 192.

Conveyance of right of way requiring the construction of suitable crossing.

Hamlin v. New York, N. H. & H. R. Co. (Mass.), vol. 4, p. 546.

Duty to maintain private crossing built by company.

Willingham v. Macon & B. Ry. Co. (Ga.), vol. 21, p. 340.

Grantee not entitled to way of necessity between parts of his land divided by strip condemned by railroad.

Atchison, T. & S. F. Ry. Co. v. Conlon (Kan.), vol. 22, p. 76.

Implied invitation to public to use private crossing renders company liable for injury caused by defect therein.

Southern Ry. Co. v. Hooper (Ga.), vol. 17, p. 752.

New location of right of way does not extinguish crossing.

Hamlin v. New York, N. H. & H. R. Co. (Mass.), vol. 4, p. 546.

Section 2220 et seq. of Civil Code of Georgia not applicable to private crossing not established by law.

Willingham v. Macon & B. Ry. Co. (Ga.), vol. 21, p. 340.

Proximate cause of accident at crossing obstructed by cars.

Southern Ry. Co. v. Prather (Ala.), vol. 14, p. 832.

Question for jury whether duty to keep crossing in good condition required company to cover with snow.

Dickey v. Boston & M. R. R. (N. H.), vol. 19, p. 258.

Railroad allowing a hedge and grove of trees upon its right

CROSSINGS—Continued.

of way to obstruct view at crossing.

Atchison, T. & S. F. R. Co. v. Willey (Kan.), vol. 6, p. 565.

Railroad company in piling cinders on public highway near crossing was guilty of negligence.

Illinois Cent. R. Co. v. Griffin (Ill.), vol. 17, p. 767.

Reciprocal duties of street railways and drivers of vehicles.

Moore v. Charlotte Electric St. Ry. Co. (N. Car.), vol. 22, p. 785.

Restoration of highway a continuing duty.

City of Charlottesville v. Southern Ry. Co. (Va.), vol. 16, p. 600.

Right of way at street railway crossings.

New Jersey Electric Ry. Co. v. Miller (N. J.), vol. 6, p. 519.

Right of way between train and vehicle at railroad crossing.

Wilson v. Southern Pac. Co. (Utah), vol. 4, p. 40.

Right of way, stationary trains and highway travelers.

Allen v. Boston & M. R. R. (Me.), vol. 19, p. 729.

Right to cross streets does not confer exclusive right of crossing.

Chicago, B. & Q. R. Co. v. Beatrice Rapid-Transit & Power Co. (Neb.), vol. 4, p. 325.

Road not public, application of Georgia Code with regard to crossings.

Comer v. Shaw (Ga.), vol. 5, p. 697.

Signals.

Green v. Southern Pac. Co. (Cal.), vol. 13, p. 511.

Harper v. Barnard (Iowa), vol. 5, p. 697.

Louisville & N. R. Co. v. Ward (Ky.), vol. 10, p. 544.

Missouri Pac. Ry. Co. v. Moffatt (Kan.), vol. 3, p. 488.

Schneider v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 11, p. 81.

CROSSINGS—*Continued.*

A complaint alleging a failure to give signals, sufficiently alleges negligence of defendant in an action for injuries at a crossing; and a general allegation of freedom from fault is a sufficient denial of plaintiff's contributory negligence; but it must affirmatively appear in the complaint that the negligence of the defendant was the proximate cause of plaintiff's injury.

Baltimore & O. S. W. R. Co. *v.* Young (Ind.), vol. 6, p. 349.

Admissibility of evidence to show failure to give statutory crossing signals, where child was killed beyond crossing.

Mason *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 83.

A finding that the statutory signals were not given at a crossing, not being sustained by the evidence, was erroneous.

Sutton *v.* Chicago, etc., R. Co. (Wis.), vol. 10, p. 100.

A person approaching a railroad crossing has a right to presume that the company will give the statutory signals, and if, after using due care, he can neither see nor hear an approaching train, he is justified in presuming that he can cross in safety.

Baltimore & O. S. W. Ry. Co. *v.* Conoyer (Ind.), vol. 9, p. 348.

Applicability of rule requiring, to case of frightened teams.

Missouri, K. & T. Ry. Co. of Texas *v.* Magee (Tex.), vol. 15, p. 186.

Application of Code of Tenn., secs. 1574, 1576, making railroads absolutely liable for injuries where there is failure to give signals, to cases where injury is inflicted after person was seen to leave track.

Louisville & N. R. Co. *v.* Truett (C. C. A.), vol. 23, p. 823.

A railroad company can be

CROSSINGS—*Continued.*

required to give such signals only of the approach of trains as the legislature has prescribed, unless the crossing has some peculiarly dangerous feature, occasioned by the act of the company itself in constructing its road or buildings.

Philadelphia & N. R. Co. *v.* State (N. J.), vol. 9, p. 241.

Burden of proof as to whether they were given in action for killing stock at crossing.

Central *v.* Georgia Ry. Co. *v.* Wood (Ala.), vol. 20, p. 906.

Character of signals required.

Tessmer *v.* New York, N. H. & H. R. Co. (Conn.), vol. 15, p. 164.

Comparative weight of affirmative and negative testimony.

Haun *v.* Rio Grande W. Ry. Co. (Utah), vol. 19, p. 370.

Compliance with ordinance requiring signals and lights, question for jury.

Weller *v.* Chicago, M. & St. P. Ry. Co. (Mo.), vol. 22, p. 61.

Compliance with statute in regard to signals does not excuse negligence.

English *v.* Southern Pac. Co. (Utah), vol. 4, p. 63.

Constitutionality of statute providing penalty for failure to give.

State, Cass County, *v.* Missouri Pac. Ry. Co. (Mo.), vol. 15, p. 175.

Construction of statute.

State, Cass County, *v.* Missouri Pac. Ry. Co. (Mo.), vol. 15, p. 175.

Contributory negligence as affected by failure to give.

Herbert *v.* Southern Pac. Co. (Cal.), vol. 11, p. 94.

Country crossings.

Georgia R. & B. Co. *v.* Cromer (Ga.), vol. 12, p. 318.

Duty to give signals where view is obstructed.

Croft *v.* Chicago G. W. Ry. Co. (Minn.), vol. 11, p. 652.

CROSSINGS—Continued.

- Duty where signals frighten horses.
 Louisville & N. R. Co. v. Smith (Ky.), vol. 15, p. 613.
- Effect of failure to give signals at public crossing in action for injury at private crossing.
 Philadelphia & B. C. R. Co. v. Holden (Md.), vol. 22, p. 192.
- Effect of failure to give where injured person was not guilty of contributory negligence, under S. Car. Rev. St., sec. 1685.
 Hutto v. South Bound R. Co. (S. Car.), vol. 22, p. 724.
- Effect of failure to signal on liability for killing person sitting at end of cross-tie between crossings.
 McArver v. Southern Ry. Co. (N. Car.), vol. 23, p. 772.
- Effect of obstacle on signals provable by tests made under similar conditions.
 Missouri Pac. Ry. Co. v. Moffatt (Kan.), vol. 3, p. 488.
- Evidence of failure to give signals.
 Lamoureux v. New York, N. H. & H. R. Co. (Mass.), vol. 9, p. 245.
- Evidence of other failures to give inadmissible.
 Chicago, R. & T. Ry. Co. v. Porterfield (Tex.), vol. 12, p. 383.
- Evidence that signals were maintained at other crossings.
 McGovern v. Smith (Vt.), vol. 23, p. 690.
- Evidence to show they would have been heard, if given.
 Haun v. Rio Grande W. Ry. Co. (Utah), vol. 19, p. 370.
- Failure to comply with statutory requirements and thereby frightening horse.
 Atlanta, K. & N. Ry. Co. v. Durham (Ga.), vol. 16, p. 606.
- Failure to give, at permissive crossing.
 Bradley v. Ohio River & C. Ry. Co. (N. Car.), vol. 18, p. 340.

CROSSINGS—Continued.

- Failure to give, negligence per se.
 Bowen v. Southern Ry. Co. (S. Car.), vol. 18, p. 331.
- Failure to give signals.
 Central Texas & N. W. R. Co. v. Nycum (Tex. Civ. App.), vol. 3, p. 435.
- Faust v. Philadelphia & R. Ry. Co. (Pa.), vol. 15, p. 146.
- Louisville & N. R. Co. v. Vittitoe (Ky.), vol. 8, p. 666.
- Miller v. Terre Haute & I. R. Co. (Ind.), vol. 3, p. 442.
- Texas & P. R. Co. v. Spradling (U. S.), vol. 3, p. 435.
- Failure to give signal as affecting contributory negligence of traveler.
 Swanso v. Central R. Co. of New Jersey (N. J.), vol. 16, p. 624.
- Failure to give signals as proximate cause.
 Strother v. South Carolina, etc., R. Co. (S. Car.), vol. 5, p. 430.
- Failure to give signal for crossings where person injured knew that train was approaching not negligence.
 Louisville & N. R. Co. v. Penrod (Ky.), vol. 17, p. 759.
- Failure to give signals will not excuse failure to stop, look and listen.
 Gahagan v. Boston & M. R. R. (N. H.), vol. 23, p. 141.
- Failure to give statutory signals and excessive speed as affecting contributory negligence at.
 Crawford v. Chicago G. W. Ry. Co. (Iowa), vol. 16, p. 628.
- Failure to give statutory signals, as affecting contributory negligence in failing to stop, look and listen.
 Hunter v. Montana Cent. Ry. Co. (Mont.), vol. 16, p. 615.
- Failure to look and listen at crossing, relying upon automatic signal.
 Conkling v. Erie R. Co. (N. J.), vol. 15, p. 61.

CROSSINGS—Continued.

- Failure to observe statutory precaution at crossing causing injury to person near crossing.
Florida Cent. & P. R. Co. v. Foxworth (Fla.), vol. 13, p. 469.
- Failure to observe statutory precautions causing injury to person near crossing.
Florida Cent. & P. R. Co. v. Foxworth (Fla.), vol. 13, p. 496.
- Failure to observe statutory rule as to, does not render company liable for killing stock beyond crossing.
Southern Ry. Co. v. New (Ga.), vol. 14, p. 19.
- Failure to ring bell immaterial where whistle was heard.
Hutchinson v. Missouri Pac. Ry. Co. (Mo.), vol. 20, p. 700.
- Failure to sound whistle, attempting to cross in front of approaching train.
Helm v. Louisville & N. R. Co. (Ky.), vol. 3, p. 440.
- Injuries to stock.
Graybill v. Chicago, etc., Ry. Co. (Iowa), vol. 20, p. 178.
- Instructions as to effect of failure to give.
Schweinfurth v. Cleveland, C., C. & St. L. Ry. Co. (Ohio), vol. 15, p. 73.
- In the absence of proof to the contrary, the jury may infer that the accident was the result of the company's failure to give signals, and not the result of negligence on the part of the person killed, when the evidence is to the effect that the latter was seen driving at a trot a mile and a half from the station, and was then awake, as he turned to one side to let a person pass, and when crossing the track was killed by an extra train.
Lamoureux v. New York, N. H. & H. R. Co. (Mass.), vol. 9, p. 245.
- Liability of company for failure of servant to give.
State, Cass County, v. Missouri Pac. Ry. Co. (Mo.), vol. 15, p. 175.

CROSSINGS—Continued.

- Liability of railroad company which fails to give statutory signals, where traveler was guilty of gross contributory negligence.
Strother v. South Carolina, etc., R. Co. (S. Car.), vol. 5, p. 431.
- Liability of railroad company which fails to give statutory signals though deceased was negligent.
McManamee v. Missouri, etc., R. Co. (Mo.), vol. 5, p. 474.
- Strother v. South Carolina, etc., R. Co. (S. Car.)*, vol. 5, p. 431.
- Necessity of giving statutory signals at farm crossings.
Czech v. Great Northern Ry. Co. (Minn.), vol. 7, p. 374.
- Negative evidence.
Mackrall v. Omaha & St. L. R. Co. (Iowa), vol. 19, p. 59.
- Negative evidence as to whether signals were given.
Edwards v. Atlantic Coast Line R. Co. (N. Car.), vol. 23, p. 38.
- Negligence in backing train without giving signals, question for jury.
Hecker v. Oregon R. Co. (Ore.), vol. 23, p. 33.
- Nonsuit should not have been granted where train was obstructed in violation of ordinance and there was failure to give signals before starting.
Burns v. Southern Ry. Co. (S. Car.), vol. 22, p. 624.
- No recovery where company has complied with all of the statutory requirements.
Artenberry v. Southern Ry. Co. (Tenn.), vol. 15, p. 847.
- Not intended for protection of person on track for his own convenience elsewhere than at crossing.
Huff v. Chesapeake & O. Ry. Co. (W. Va.), vol. 17, p. 762.
- Omission of statutory signals as proximate cause of injury.
Illinois Cent. R. Co. v. Mizell (Ky.), vol. 6, p. 337.

CROSSINGS—Continued.

- Overhead bridges.
 - Cleveland, C., C. & St. L. R. Co. *v.* Halvert (Ill.), vol. 15, p. 180.
- Pleading negligence for failing to give.
 - Bowen *v.* Southern Ry. Co. (S. Car.), vol. 18, p. 331.
- Private crossings.
 - Louisville & N. R. Co. *v.* Bodine (Ky.), vol. 19, p. 551.
- Proximate cause, neglect in giving signal.
 - Wragge *v.* South Carolina & G. R. Co. (S. Car.), vol. 4, p. 639.
- Question for jury whether failure to give is negligence under statute of Utah.
 - Haun *v.* Rio Grande W. Ry. Co. (Utah), vol. 19, p. 370.
- Question for jury whether failure to give was proximate cause of injury.
 - Hutto *v.* South Bound R. Co. (S. Car.), vol. 22, p. 724.
- Rate of speed and signals at country crossings, negligence as to, questions for jury.
 - Georgia R. & B. Co. *v.* Cromer (Ga.), vol. 12, p. 318.
- Recovery of fines for failure to give statutory signals.
 - Commonwealth *v.* Louisville & N. R. Co. (Ky.), vol. 6, p. 61.
- Reliance on performance of duty not contributory negligence.
 - Woehrle *v.* Minnesota Transfer Ry. Co. (Minn.), vol. 19, p. 529.
- Required by statute.
 - Harper *v.* Barnard (Iowa), vol. 5, pp. 696, 697.
 - McManamee *v.* Missouri, etc., R. Co. (Mo.), vol. 5, p. 474.
 - Missouri Pac. Ry. Co. *v.* Geist (Neb.), vol. 5, p. 421.
 - Strother *v.* South Carolina & G. R. Co. (S. Car.), vol. 5, p. 430.
- Rule of company may be considered by jury in determining necessity of signals.
 - Hecker *v.* Oregon R. Co. (Ore.), vol. 23, p. 33.

CROSSINGS—Continued.

- Signals at county crossings, question for jury.
 - Georgia R. & B. Co. *v.* Cromer (Ga.), vol. 12, p. 318.
- Signals required.
 - Bowen *v.* Southern Ry. Co. (S. Car.), vol. 18, p. 331.
- Statutory provisions as to distance at which to be given.
 - Houston & T. C. R. Co. *v.* O'Neal (Tex.), vol. 12, p. 374.
- Statutory provisions as to signals is not sole measure of duty of railroad.
 - Coulter *v.* Great Northern Ry. Co. (N. Dak.), vol. 4, p. 336.
 - Downing *v.* Morgan's L. & T. Ry. & S. S. Co. (La.), vol. 20, p. 412.
- Street railway's failure to sound gong at crossing not negligence.
 - Stafford *v.* Chippewa Val. Elec. R. Co. (Wis.), vol. 23, p. 364.
- Substitution of other signals for statutory signals.
 - Simons *v.* Southern Ry. Co. (Va.), vol. 12, p. 324.
- Sufficiency of distance at which given.
 - Bradley *v.* Ohio River & C. Ry. Co. (N. Car.), vol. 18, p. 340.
- Sufficiency of evidence as to giving of signals.
 - Bond *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 23, p. 156.
- "Traveled place," what is under S. Car. Rev. St. 1893, sec. 1685, requiring the giving of signals before crossing.
 - Risinger *v.* Southern Ry. Co. (S. Car.), vol. 20, p. 517.
- Under statutory provisions that on approaching every crossing having a danger signal, the whistle or bell shall be sounded, the burden of proof is upon the plaintiff to show that the danger signal had been posted.
 - Alabama Great Southern R. Co. *v.* McDonough (Tenn.), vol. 5, p. 169.

CROSSINGS—Continued.

Unmanageable team, proximate cause.

Stahl v. Lake Shore & M. S. Ry. Co. (Mich.), vol. 11, p. 90.

Variance in action to recover penalty for failure to give.

St. Louis, I. M. & S. Ry. Co. v. State (Ark.), vol. 22, p. 753.

Violation of ordinance requiring ringing of bell not negligence per se.

Stafford v. Chippewa Val. Elec. R. Co. (Wis.), vol. 23, p. 364.

Where a railroad train is stationary across a highway the bell must be rung and the whistle blown for at least half a minute before it is started in order to comply with the law of South Carolina.

Littlejohn v. Richmond & D. R. Co. (S. Car.), vol. 9, p. 873.

Where horse was killed twenty feet from public crossing a charge to the jury as to statutory requirements to sound whistle for public crossing was reversible error.

Sims v. Southern Ry. Co. (S. Car.), vol. 20, p. 76.

Whether failure to give is proximate cause of accident is question for jury.

Missouri, K. & T. Ry. Co. of Texas v. Magee (Tex.), vol. 15, p. 186.

Schaidler v. Chicago & N. W. Ry. Co. (Wis.), vol. 15, p. 105.

Whether failure to give statutory signals is negligence per se.

Baltimore & O. S. W. Ry. Co. v. Conoyer (Ind.), vol. 9, p. 348.

Edwards v. Atlantic Coast Line R. Co. (N. Car.), vol. 23, p. 38.

Signboards.

Failure to erect signboard at, actionable negligence.

Lewis v. Long Island R. Co. (N. Y.), vol. 18, p. 1.

Power of legislature as to cattle guards, warning posts,

CROSSINGS—Continued.

signs, etc.

Chicago, M. & St. P. Ry. Co. v. City of Milwaukee (Wis.), vol. 9, p. 537.

Speed.

As negligence.

Louisville, N. A. & C. Ry. Co. v. Patchen (Ill.), vol. 10, p. 852.

Missouri Pac. Ry. Co. v. Moffatt (Kan.), vol. 3, p. 448.

As negligence, question for jury.

Davis v. Concord & M. R. R. (N. H.), vol. 19, p. 69.

Swack v. New York, L. E. & W. R. Co. (N. Y.), vol. 16, p. 609.

Excessive speed.

Illinois Cent. R. Co. v. Ashline (Ill.), vol. 9, p. 702.

Running a railroad train at a country crossing at the rate of forty miles an hour is not negligence per se.

Sutton v. Chicago, etc., R. Co. (Wis.), vol. 10, p. 100.

Speed at country crossing, question for jury.

Georgia R. & B. Co. v. Cromer (Ga.), vol. 12, p. 318.

Speed immaterial where trains could not have been stopped before reaching crossing because of speed in violation of ordinance.

Edwards v. Atlantic Coast Line R. Co. (N. Car.), vol. 23, p. 38.

Speed in excess of ordinance does not affect contributory negligence in failing to stop, look and listen at private crossing.

Vant v. Chicago & N. W. Ry. Co. (Wis.), vol. 12, p. 470.

Sufficiency of evidence as to negligent rate of speed of street car.

Stafford v. Chippewa Val. Elec. R. Co. (Wis.), vol. 23, p. 364.

Test of negligence in rate of speed of street car.

Stafford v. Chippewa Val. Elec. R. Co. (Wis.), vol. 23, p. 364.

CROSSINGS—Continued.

Whether excessive speed is negligence per se.

Illinois Cent. R. Co. *v.* Ashline (Ill.), vol. 9, p. 702.

Whether high rate of speed within town constitutes negligence is a question for the jury.

Risinger *v.* Southern Ry. Co. (S. Car.), vol. 20, p. 517.

Whether speed constituted wantonness.

Memphis & C. R. Co. *v.* Martin (Ala.), vol. 23, p. 683.

Stop, Look and Listen.

Cincinnati, N. O. & T. P. R. Co. *v.* Wright (Ky.), vol. 3, p. 441.

McCadden *v.* Abbot (Wis.), vol. 3, p. 651.

McCanna *v.* New England R. Co. (R. I.), vol. 10, p. 485.

Seamans *v.* Delaware, etc., R. Co. (Pa. St.), vol. 4, p. 260.

Sullivan *v.* New York, etc., R. Co. (Pa. St.), vol. 4, p. 260.

Texas & P. R. Co. *v.* Gentry (U. S.), vol. 4, p. 559.

Absence of evidence for plaintiff.

Haner *v.* Northern Pac. Ry. Co. (Idaho), vol. 19, p. 628.

As applied to street railways. Consolidated Traction Co. *v.* Haight (N. J.), vol. 8, p. 90.

Hoelzel *v.* Crescent City R. Co. (La.), vol. 8, p. 40.

At crossing in street.

Berkeley *v.* C. & O. Ry. Co. (W. Va.), vol. 8, p. 757.

Burden of proof.

Steele *v.* Northern Pac. Ry. Co. (Wash.), vol. 15, p. 129.

Care required in looking.

Hecker *v.* Oregon R. Co. (Ore.), vol. 23, p. 33.

Care required of track repairer.

Baltimore, etc., Ry. Co. *v.* Peterson (Ind.), vol. 20, p. 887.

CROSSINGS—Continued.

Care to be employed by employee crossing master's road.

Weiss *v.* Bethlehem Iron Co. (C. C. A.), vol. 12, p. 305.

Contributory negligence and absence of negligence.

Work *v.* Chicago, etc., Ry. Co. (C. C. A.), vol. 20, p. 636.

Contributory negligence, a question of law.

Atchison, T. & S. F. R. Co. *v.* Holland (Kan.), vol. 12, p. 476.

Contributory negligence in driving upon track where view is obstructed, question for jury.

Cook *v.* Los Angeles & P. Electric Ry. Co. (Cal.), vol. 23, p. 69.

Contributory negligence in failing to.

Gilbert *v.* Erie R. Co. (C. C. A.), vol. 18, p. 15.

Contributory negligence in failing to look immediately before crossing street railway tracks.

Merritt *v.* Foote (Mich.), vol. 23, p. 43.

Contributory negligence in failing to stop and look a question of law.

Pyle *v.* Clark (Utah), vol. 5, p. 156.

Contributory negligence of boy driving who failed to stop, look and listen was for jury.

Illinois Cent. R. Co. *v.* Jones (C. C. A.), vol. 15, p. 16.

Contributory negligence, question for jury.

Gobleigh *v.* Grand Trunk R. Co. (Vt.), vol. 5, p. 445.

Credibility of plaintiff's testimony as to stopping, looking and listening.

Payne *v.* Chicago & A. R. Co. (Mo.), vol. 6, p. 291.

Crossing track at station to board train without looking and listening.

Beecher *v.* Long Island R. Co. (N. Y.), vol. 12, p. 295.

CROSSINGS—Continued.

Description of crossing and admissibility of opinion evidence as to the relative dangers of places to stop, look and listen.

Cookson *v.* Pittsburg & W. R. Co. (Pa.), vol. 6, p. 340.

Direction of verdict for defendant.

Gahagan *v.* Boston & M. R. R. (N. H.), vol. 23, p. 141.

Driver approaching crossing with reins loose and without attempting to stop or slacken speed until horse was about to cross track.

Chase *v.* Maine Cent. R. R. (Mass.), vol. 6, p. 343.

Driver's failure to do so imputable to his passenger.

Bush *v.* Union Pac. R. Co. (Kan.), vol. 20, p. 798.

Driving in front of moving train where absence of evidence of having stopped within reasonable distance.

Born *v.* Philadelphia & R. R. Co. (Pa.), vol. 22, p. 723.

Duty of bicyclist to dismount before crossing where view is obstructed.

Law *v.* Lake Shore & M. S. R. Co. (Mich.), vol. 15, p. 95.

Duty of one driving to look and listen.

Silcock *v.* Rio Grande W. Ry. Co. (Utah), vol. 18, p. 459.

Duty of passenger crossing track at station to stop, look and listen.

Atlantic City R. Co. *v.* Goodin (N. J.), vol. 14, p. 291.

Betts *v.* Lehigh Val. R. Co. (Pa.), vol. 14, p. 299.

Graven *v.* MacLeod (C. C. A.), vol. 14, p. 305.

Duty of pedestrian to look out for trolley cars.

McGrath *v.* North Jersey St. Ry. Co. (N. J.), vol. 22, p. 790.

Duty of pedestrian to look out for vehicles.

McGrath *v.* North Jersey St. Ry. Co. (N. J.), vol. 22, p. 790.

CROSSINGS—Continued.

Duty of traveler.

Guhl *v.* Whitcomb (Wis.), vol. 20, p. 520.

Duty to.

Central of Georgia Ry. Co. *v.* Forshee (Ala.), vol. 18, p. 467.

Duty to look and listen.

Conkling *v.* Erie R. Co. (N. J.), vol. 15, p. 61.

Duty to look and listen inapplicable to street railways.

Traver *v.* Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.

Duty to look for cars where vision obstructed.

Knopf *v.* Philadelphia, W. & B. R. Co. (Del.), vol. 20, p. 172.

Duty to look more than once.

Sandberg *v.* St. Paul & D. R. Co. (Minn.), vol. 18, p. 763.

Failure of cattle driver to look and listen.

McGill *v.* Minneapolis & St. L. R. Co. (Iowa), vol. 20, p. 790.

Failure of driver to stop and listen at crossing where

view is obstructed, contributory negligence per se. Blackburn *v.* Southern Pac. Co. (Ore.), vol. 12, p. 461.

Failure to as affected by speed in violation of ordinance.

Peterson *v.* St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 18, p. 161.

Failure to as affecting recovery.

Hearn *v.* New York, P. & N. R. Co. (Md.), vol. 15, p. 54.

Failure to contributory negligence per se.

Ritzman *v.* Philadelphia & R. R. Co. (Pa.), vol. 12, p. 444.

Failure to give signal will not excuse failure to stop, look and listen.

Gahagan *v.* Boston & M. R. R. (N. H.), vol. 23, p. 141.

Failure to look.

Cole *v.* New York, N. H. & H. R. Co. (Mass.), vol. 18, p. 383.

CROSSINGS—Continued.

- Failure to look and listen at crossing.
 Clark *v.* Wright (C. C. A.), vol. 8, p. 431.
 Conkling *v.* Erie R. Co. (N. J.), vol. 15, p. 61.
 Pyle *v.* Clark (C. C. A.), vol. 8, p. 431.
 Failure to look and listen at crossing relying upon automatic signal.
 Conkling *v.* Erie R. Co. (N. J.), vol. 15, p. 61.
 Failure to look and listen at street crossing not negligence per se where there is watchman and gates, and gates are up.
 Chicago, etc., Ry. Co. *v.* Hoover (Ind. Ter.), vol. 23, p. 73.
 Failure to look and listen, contributory negligence per se.
 Atchison, T. & S. F. R. Co. *v.* Holland (Kan.), vol. 12, p. 476.
 Cawley *v.* La Crosse City Ry. Co. (Wis.), vol. 12, p. 453.
 Failure to look and listen is contributory negligence.
 Conkling *v.* Erie R. Co. (N. J.), vol. 15, p. 61.
 Failure to look and listen not contributory negligence as matter of law.
 Smith *v.* Boston & M. R. R. (N. H.), vol. 19, p. 320.
 Failure to look and listen where injury was caused by "wild train."
 Bush *v.* Union Pac. R. Co. (Kan.), vol. 20, p. 798.
 Failure to look at certain place, question for jury.
 Hecker *v.* Oregon R. Co. (Ore.), vol. 23, p. 33.
 Failure to look for cars.
 Knopf *v.* Philadelphia W. & B. R. Co. (Del.), vol. 20, p. 172.
 Failure to look for electric street car.
 Cowden *v.* Shreveport Belt Ry. Co. (La.), vol. 23, p. 355.
 Failure to look precluding recovery for death.
 Kallmerten *v.* Cowen (C. A.), vol. 23, p. 352.
 Failure to not contributory

CROSSINGS—Continued.

- negligence as matter of law.
 Illinois Cent. R. Co. *v.* Jones (C. C. A.), vol. 15, p. 16.
 Failure to stop and listen, contributory negligence.
 Bond *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 12, p. 447.
 Failure to stop and look as contributory negligence.
 Coppuck *v.* Philadelphia, W. & B. R. Co. (Pa.), vol. 15, p. 68.
 Failure to stop and look at street railway crossing where view is obstructed is contributory negligence.
 Darwood *v.* Union Traction Co. (Pa.), vol. 12, p. 474.
 Failure to stop and look before crossing track.
 Coppuck *v.* Philadelphia, W. & B. R. Co. (Pa.), vol. 15, p. 68.
 Failure to stop and look before driving over street railway track where view is obstructed.
 Darwood *v.* Union Traction Co. (Pa.), vol. 12, p. 474.
 Failure to stop at certain point not negligence per se.
 Cookson *v.* Pittsburg & W. R. Co. (Pa.), vol. 6, p. 339.
 Failure to stop horse when train approaching from short distance is not contributory negligence as matter of law.
 Smith *v.* Boston & M. R. R. (N. H.), vol. 19, p. 320.
 Failure to stop, look and listen at crossing.
 Bond *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 12, p. 447.
 Ritzman *v.* Philadelphia & R. R. Co. (Pa.), vol. 12, p. 444.
 Failure to stop, look and listen at crossing not contributory negligence as a matter of law.
 Illinois Cent. R. Co. *v.* Jones (C. C. A.), vol. 15, p. 16.

CROSSINGS—Continued.

- Failure to stop, look and listen, relying on railroad company to ring bell.
Pittsburg, C., C. & St. L. R. Co. v. Lewis (Ky.), vol. 6, p. 333.
- Failure to stop not negligence per se.
Lewis v. Long Island R. Co. (N. Y.), vol. 18, p. 1.
- Failure to submit to the jury whether a failure to look or listen under the facts stated constitutes negligence.
Missouri, K. & T. Ry. Co. of Texas v. Rogers (Tex.), vol. 8, p. 141.
- Infallibility of sight and hearing not required.
Steele v. Northern Pac. Ry. Co. (Wash.), vol. 15, p. 129.
- Instructions as to duty of traveler.
St. Louis & S. F. R. Co. v. Crabtree (Ark.), vol. 20, p. 923.
- Look and listen.
Central R. Co. of New Jersey v. Smalley (N. J.), vol. 10, p. 463.
Central Texas & N. W. Ry. Co. v. Bush (Tex. Civ. App.), vol. 3, p. 264.
Cleveland, C., C. & St. L. Ry. Co. v. Miller (Ind.), vol. 9, p. 684.
Pyle v. Clark (Utah), vol. 5, p. 156.
- Look and listen rule not applicable to street railways.
Fairbanks v. Bangor, O. & O. Ry. Co. (Me.), vol. 22, p. 756.
- Look and listen, whether a question of law or fact.
Pyle v. Clark (Utah), vol. 5, p. 156.
- Looking and listening by pedestrian not always sufficient care.
Burke v. Central R. Co. of New Jersey (N. J.), vol. 19, p. 258.
- Negligence in failing to.
Atchison, T. & S. F. R. Co. v. Willey (Kan.), vol. 15, p. 847.
- Negligence per se in driving across street railway tracks in covered wagons.
Tacoma Ry. & Power Co. v. Hays (C. C. A.), vol. 23, p. 58.

CROSSINGS—Continued.

- Obstructed view.
Philadelphia & B. C. R. Co. v. Holden (Md.), vol. 22, p. 192.
- Obstructed view at, duty of traveler.
Chicago, R. I. & P. Ry. v. Williams (Kan.), vol. 12, p. 336.
- Obstruction of view.
Leitch v. Chicago, etc., R. Co. (Wis.), vol. 6, p. 777.
- Obstruction of view by cars.
Willet v. Michigan Cent. R. Co. (Mich.), vol. 9, p. 18.
- Passage of extra train no excuse where failure to look and listen.
McGill v. Minneapolis & St. L. R. Co. (Iowa), vol. 20, p. 790.
- Pedestrian not required to stop before crossing.
Judson v. Central Vermont R. Co. (N. Y.), vol. 15, p. 7.
- Place where person should look for cars.
Winter v. New York & L. B. R. Co. (N. J.), vol. 23, p. 359.
- Plaintiff's testimony that he stopped, looked and listened, held unworthy of credit in view of the fact that the train would have been plainly visible for a long distance.
Northern Cent. Ry. Co. v. Medairy (Md.), vol. 7, p. 526.
- Presumption that deceased looked and listened before going on track.
Weller v. Chicago, M. & St. P. Ry. Co. (Mo.), vol. 22, p. 61.
- Proximate cause where person near crossing failing to look and listen is injured by failure of company to observe statutory precautions.
Florida Cent. & P. R. Co. v. Foxworth (Fla.), vol. 13, p. 469.
- Question for jury.
Hecker v. Oregon R. Co. (Ore.), vol. 23, p. 33.
Mackrall v. Omaha & St. L. R. Co. (Iowa), vol. 19, p. 59.

CROSSINGS—Continued.

- Question for jury whether contributory negligence to fail to look or listen.
Davis v. Concord & M. R. R. (N. H.), vol. 19, p. 68.
- Speed in excess of ordinance does not affect contributory negligence in failing to stop, look and listen at private crossing.
Vant v. Chicago & N. W. Ry. Co. (Wis.), vol. 12, p. 470.
- Stop, look and listen rule not applicable to street railways.
Traver v. Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.
- Sufficiency of evidence of contributory negligence.
Sullivan v. New York, N. H. & H. R. Co. (Conn.), vol. 20, p. 108.
- Sufficiency of evidence to shew failure to look.
Olson v. Northern Pac. Ry. Co. (Minn.), vol. 23, p. 352.
- Sufficiency of negative evidence of care in looking for car.
Stafford v. Chippewa Val. Electric R. Co. (Wis.), vol. 23, p. 364.
- What will excuse diversion of traveler's attention.
Bush v. Union Pac. R. Co. (Kan.), vol. 20, p. 798.
Guhl v. Whitcomb (Wis.), vol. 20, p. 520.
- Whether negligence per se to drive upon track where view is obstructed, without looking or listening, immediately before going upon track.
Kelly v. Wakefield & S. St. Ry. Co. (Mass.), vol. 23, p. 67.
- Street railways, apportionment of expenses of providing safety appliances between street railways under Mich. Act 1893, No. 171, § 5, conferring authority upon railroad commissioner.
Detroit, etc., Ry. v. Commissioner of Railroads (Mich.), vol. 22, p. 732.
- Street railways, care to be

CROSSINGS—Continued.

- exercised towards pedestrians.
Consolidated Traction Co. v. Scott (N. J.), vol. 4, p. 371.
- Streets cannot be opened across railroad without entitling company to compensation.
St. Louis & S. F. R. Co. v. Gordon (Mo.), vol. 19, p. 561.
- Sufficiency of evidence as to whether engineer should have foreseen plaintiff's negligence.
Gahagan v. Boston & M. R. R. (N. H.), vol. 23, p. 141.
- Sufficiency of evidence of negligence and contributory negligence.
Moore v. Charlotte Electric St. Ry. Co. (N. Car.), vol. 22, p. 785.
- Sufficiency of evidence of negligence of motoneer.
Cowden v. Shreveport Belt Ry. Co. (La.), vol. 23, p. 355.
- Sufficiency of evidence of willfulness and malice.
Elgin, etc., Ry. Co. v. Duffy (Ill.), vol. 23, p. 361.
- Sufficiency of evidence to show willful negligence on part of trainmen.
Olson v. Northern Pac. Ry. Co. (Minn.), vol. 23, p. 352.
- Sufficiency of evidence to support verdict for plaintiff in action for personal injuries at crossing.
Central of Georgia Ry. Co. v. Tribble (Ga.), vol. 20, p. 794.
- Sufficiency of evidence to sustain verdict.
Ellis v. Erie R. Co. (N. J.), vol. 22, p. 629.
- Sufficiency of evidence to sustain verdict for plaintiff.
Rafferty v. Erie R. Co. (N. J.), vol. 21, p. 778.
- Train behind time, negligence.
Northern Cent. Ry. Co. v. Medairy (Md.), vol. 7, p. 526.
- Unwarranted panic of traveler does not render company liable.
Central of Georgia Ry. Co. v. Forshee (Ala.), vol. 18, p. 467.

CROSSINGS—Continued.

Use of railroad crossings by the public.

In re Railroad Crossing in Town of Old Orchard (Me.), vol. 10, p. 870.

Vigilance and care to be used by railroad at public crossings in populous places.

English v. Southern Pac. Co. (Utah), vol. 4, p. 63.

Wanton and willful negligence.

Krenzer v. Pittsburg, C., C. & St. L. Ry. Co. (Ind.), vol. 12, p. 343.

Wantonness or willful negligence in obstructing crossing.

Southern Ry. Co. v. Prather (Ala.), vol. 14, p. 832.

Whether a street crossing exists where one street terminates at point of intersection.

Schneider v. Market St. Ry. Co. (Cal.), vol. 23, p. 692.

Whether maintenance of obstructions to view is negligence was question for jury.

Walker v. Mercer (Kan.), vol. 18, p. 159.

Whether negligence to fail to remove cuts and other obstructions to traveler's view at crossing.

Louisville & N. R. Co. v. Breeden (Ky.), vol. 23, p. 131.

CULVERTS.

See Carriers of Passengers.

Damages.

Fences.

Master and Servant.

Water and Watercourses.

Duty of Hudson River Railroad Company to construct passes to give access to river.

People v. New York Cent., etc., R. Co. (N. Y.), vol. 23, p. 175.

Liability for failure to provide culvert able to withstand extraordinary flood.

Illinois Cent. R. Co. v. Kuhn (Tenn.), vol. 22, p. 324.

CUSTOMS AND USAGES.

See Evidence.

Judicial Notice.

Master and Servant.

Measure of Damages.

Usages and Customs.

CUSTOMS AND USAGES—Continued.

Admission of evidence as to customary construction of switches.

Indiana, I. & I. R. Co. v. Bundy (Ind.), vol. 14, p. 660.

Benefit arising from extra facilities of transit on railroad privilege.

Lyon v. Hammond & B. I. R. Co. (Ill.), vol. 9, p. 337.

Effect of servant's customary violation of rule.

Fluhrer v. Lake Shore & M. S. Ry. Co. (Mich.), vol. 18, p. 153.

Eminent Domain.

Incidental expenses.

Chicago & A. R. Co. v. City of Pontiac (Ill.), vol. 9, p. 382.

Ligare v. Chicago, M. & N. R. Co. (Ill.), vol. 9, p. 52.

Province of jury.

Davis v. Northwestern El. Ry. Co. (Ill.), vol. 9, p. 452.

Speculative damages.

Chicago & A. R. Co. v. City of Pontiac (Ill.), vol. 9, p. 382.

CUSTOM DUTIES.

See Carriers of Goods.

DAMAGES.

See Abutters.

Appeals.

Carriers of Freight.

Carriers of Goods.

Carriers of Live Stock.

Carriers of Passengers.

Children.

Comparative Negligence.

Death by Wrongful Act.

Dependence.

Ejectment.

Electric Railways.

Elevated Railways.

Eminent Domain.

Evidence.

Exemplary Damages.

Fences.

Fires Set by Locomotives.

Frightening Teams.

Husband and Wife.

Insurance.

Measure of Damages.

Pleading.

Railroads in Streets.

Release.

DAMAGES—Continued.

See Sleeping Car Companies.
Stock, Injuries to.
Streets and Highways.
Street Railways.
Water and Watercourses.

Accidents on Track.

Excessive verdict.
 Louisville & N. R. Co. v.
 Creighton (Ky.), vol. 15, p.
 713.

Fright, incidental fright where
 party is injured.

Consolidated Traction Co. v.
 Lambertson (N. J.), vol. 6,
 p. 793.

Right to punitive damages
 where collision between
 street car and vehicle.

Nashville St. R. R. v.
 O'Bryan (Tenn.), vol. 22,
 p. 902.

Aggravation of ill health.

Gulf, C. & S. F. R. Co. v.
 Reagan (Tex. Civ. App.),
 vol. 3, p. 433.

Arguments of counsel.

Alabama G. S. R. Co. v. Car-
 roll (C. C. A.), vol. 9, p. 759.

Attorney's fees.

Atchison, T. & S. F. R. Co. v.
 Stewart (Kan.), vol. 2, p. 387.

Avoiding removal to federal
 court, harmless error in
 instruction.

Procter v. Southern Ry. Co.
 (S. Car.), vol. 22, p. 426.

Carriers of Freight.

Measure of damages in action
 for breach of contract to
 carry funeral party.

Southern Ry. Co. v. Mar-
 shall (Ky.), vol. 23, p. 82.

Carriers of Goods.

By a special contract the price
 of the goods at the point of
 shipment may be made the
 measure of damages for their
 subsequent loss through the
 carrier's negligence, and the
 fact that no invoice price was
 made out and agreed upon at
 the time the goods were
 shipped is immaterial.

Pierce v. Southern Pac. Co.
 (Cal.), vol. 10, p. 88.

Damages for nondelivery of
 freight.

Illinois C. R. Co. v. Bogard
 (Miss.), vol. 18, p. 410.

DAMAGES—Continued.

Expenses incurred in seeking
 delayed goods.

Swift River Co. v. Fitchburg
 R. Co. (Mass.), vol. 8, p.
 512.

Interest.

Illinois C. R. Co. v. South-
 ern S. & C. Co. (Tenn.),
 vol. 18, p. 276.

Measure of damages for delay
 in carriage of goods.

Illinois C. R. Co. v. Southern
 S. & C. Co. (Tenn.), vol.
 18, p. 276.

Swift River Co. v. Fitchburg
 R. Co. (Mass.), vol. 8, p.
 512.

Measure of damages for injury
 to goods by fire while negli-
 gently delayed by carrier.

Yazoo & M. V. R. Co. v.
 Millsaps (Miss.), vol. 17,
 p. 269.

Measure of damages for loss
 of goods.

Downing v. Outerbridge (C.
 C. A.), vol. 10, p. 861.

Measure of, for breach of
 contract to furnish cars.

Baxley v. Tallassee, etc., R.
 Co. (Ala.), vol. 21, p. 170.

Measure of in action for
 breach of contract for car-
 riage of goods.

Bigelow v. Chicago, B. & N.
 Ry. Co. (Wis.), vol. 17, p.
 341.

Remittitur.

Blair v. Sioux City & P. Ry.
 Co. (Iowa), vol. 17, p. 363.

Carriers of Live Stock.

Damages for depreciation in
 value of stock caused by de-
 lay in furnishing cars.

St. Louis, I. M. & S. Ry. Co.
 v. Law (Ark.), vol. 18, p.
 286.

Damages recoverable under
 Missouri statute for injury
 to live stock in transit.

Paddock v. Missouri Pac.
 Ry. (Mo.), vol. 17, p. 310.

Delay in transportation of live
 stock.

Missouri, etc., Ry. Co. v.
 Truskett (C. C. A.), vol.
 19, p. 618.

St. Louis, I. M. & S. Ry. Co.
 v. Edwards (C. C. A.), vol.
 8, p. 402.

DAMAGES—Continued.

Elements of, in action to recover for delay in transportation of live stock.

Missouri, K. & T. Ry. Co. *v.* Truskett (Ind. Ter.), vol. 17, p. 273; vol. 19, p. 618.

Evidence of value of trotting horse.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Sheppard (Ohio), vol. 6, p. 528.

Interest.

Missouri, K. & T. Ry. Co. *v.* Truskett (Ind. Ter.), vol. 17, p. 273.

Opinion evidence of owner as to damages to live stock in transit.

Milam *v.* Southern Ry. Co. (S. Car.), vol. 18, p. 253.

Carriers of Passengers.

Action by passengers for wrongful ejection.

Spink *v.* Louisville & N. R. Co. (Ky.), vol. 16, p. 86.

Action ex contractu for ejection of passenger.

Chicago, B. & O. R. Co. *v.* Spirk (Neb.), vol. 7, p. 205.

Anxiety and physical injury caused by exposure to weather may be elements of damage in action for carrying passenger beyond her destination.

Louisville & N. R. Co. *v.* Quick (Ala.), vol. 20, p. 25.

Apportionment under Georgia statute in action by passenger against carrier, where negligence is concurrent.

Alabama G. S. Ry. Co. *v.* Coggins (C. C. A.), vol. 12, p. 109.

Compensation and not punishment in action for injury to passenger.

Fremont, E. & M. V. R. Co. *v.* French (Neb.), vol. 4, p. 365.

Conduct of female passenger may be considered in fixing damages for insulting remark.

Strother *v.* Aberdeen & A. R. Co. (N. Car.), vol. 12, p. 122.

Ejected passenger's duty to avoid increasing.

Louisville & N. R. Co. *v.* Hine (Ala.), vol. 14, p. 382.

DAMAGES—Continued.

Ejected passenger's separation from baggage.

Procter *v.* Southern California Ry. Co. (Cal.), vol. 19, p. 77.

Ejection.

Charleston & S. R. Co. *v.* Varnadore (Ga.), vol. 2, p. 162.

Cox *v.* Los Angeles Term. R. Co. (Cal.), vol. 2, p. 162.

Gulf, C. & S. F. R. Co. *v.* Sparger (Tex. Civ. App.), vol. 2, p. 161.

St. Louis S. W. R. Co. *v.* Huffman (Tex. Civ. App.), vol. 2, p. 162.

Schmitt *v.* Milwaukee St. R. Co. (Wis.), vol. 2, p. 161.

Zagelmeyer *v.* Cincinnati, S. & M. R. Co. (Mich.), vol. 2, p. 161.

Elements of damages for carrying sleeping passenger beyond destination.

Airey *v.* Pullman Palace Car Co. (La.), vol. 11, p. 836.

Elements of recovery for ejection of passenger.

Louisville & N. R. Co. *v.* Hine (Ala.), vol. 14, p. 382.

Evidence of extent and profits of passenger's business.

Chicago, R. I. & P. Ry. Co. *v.* Posten (Kan.), vol. 11, p. 138.

Excessive damages.

Alabama & V. R. Co. *v.* Bell (Miss.), vol. 21, p. 155.

Atchison, Topeka & Sante Fe R. Co. *v.* Hughes (Kan.), vol. 2, p. 248.

Baltimore & O. S. W. Ry. Co. *v.* Hausman (Ky.), vol. 17, p. 237.

Fremont, E. & M. V. R. Co. *v.* French (Neb.), vol. 4, p. 365.

Louisville & N. R. Co. *v.* Keller (Ky.), vol. 12, p. 90.

Louisville & Nashville R. Co. *v.* McEwan (Ky.), vol. 2, p. 438.

Rudiger *v.* Chicago, St. P., M. & O. Ry. Co. (Wis.), vol. 12, p. 197.

Storrs *v.* Los Angeles Traction Co. (Cal.), vol. 22, p. 704.

DAMAGES—Continued.

Excessive damages for ejection.

Chamberlain *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 17, p. 241.

Zion *v.* Southern Pac. Co. (U. S.), vol. 2, p. 167.

Excessive damages for threats of ejection.

Mueller *v.* Chicago, B. & N. Ry. Co. (Minn.), vol. 12, p. 137.

Excessive verdict for assault on passenger by conductor. Birmingham Ry. & Electric Co. *v.* Baird (Ala.), vol. 22, p. 909.

Excessive verdict for breach of contract to carry funeral party.

Southern Ry. Co. *v.* Marshall (Ky.), vol. 23, p. 82.

Excessive verdict for carrying passengers beyond station. Louisville, etc., R. Co. *v.* Guy (Ky.), vol. 6, p. 774.

Excessive verdict for ejection of passenger.

Wenz *v.* Savannah, F. & W. Ry. Co. (Ga.), vol. 15, p. 844.

Excessive verdict for personal injuries to passenger.

Yazoo & M. V. R. Co. *v.* Martin (Miss.), vol. 21, p. 301.

Excessive verdict, \$500 not excessive for arrest of passenger.

Alabama & V. Ry. Co. *v.* Kuhn (Miss.), vol. 19, p. 466.

Exemplary damages for wantonly backing train and injuring alighting passenger.

Appleby *v.* South Carolina & G. R. Co. (S. Car.), vol. 20, p. 581.

Exemplary damages not recoverable by passenger for illegal arrest caused by conductor, if made through mistake, not through malice.

Claiborne *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 14, p. 217.

Failure to carry passenger, elements of damage.

Louisville & N. R. Co. *v.* Spinks (Ga.), vol. 12, p. 48.

Fright.

Tuttle *v.* Atlantic City R. Co. (N. J.), vol. 22, p. 876.

DAMAGES—Continued.

Good name of ejected female passenger.

Procter *v.* Southern California Ry. Co. (Cal.), vol. 19, p. 77.

Illegal arrest for riding beyond station does not entitle passenger to punitive damages.

Cone *v.* Central R. Co. (N. J.), vol. 12, p. 278.

Implied malice in ejection of passenger as ground for exemplary damages.

Cowen *v.* Winters (C. C. A.), vol. 16, p. 107.

Inability to attend to business in action for injuries to passengers.

Storrs *v.* Los Angeles Trac-tion Co. (Cal.), vol. 22, p. 704.

Instructions in action for carrying passenger beyond station.

Southern Ry. Co. *v.* Bryant (Ga.), vol. 12, p. 159.

Instruction in action for ejection of passengers.

Boston & M. R. R. *v.* Sargent (N. H.), vol. 21, p. 336.

It was not error to instruct that a plaintiff, injured while a railroad passenger, should be given damages only sufficient to compensate her for her injury; but that her suffering in the past and probable suffering in the future and the probability of the permanency of her injuries and also any expense to which she had been put in the way of obtaining relief, should be allowed her.

Smedley *v.* Hestonville, M. & F. Pass. Ry. Co. (Pa.), vol. 9, p. 649.

Measure of damages for loss of passenger's property by sleeping car company.

Cooney *v.* Pullman Palace-Car Co. (Ala.), vol. 18, p. 587.

Mental suffering occasioned to passenger through agent selling her a ticket by wrong route.

Texas & P. Ry. Co. *v.* Armstrong (Tex.), vol. 14, p. 256.

DAMAGES—Continued.

- Of purchase of clothing in action for loss of trunk.
Drake v. Yazoo & M. V. R. Co. (Miss.), vol. 21, p. 141.
- Passenger recovering for worry incident to delay.
Turner v. Great Northern R. Co. (Wash.), vol. 5, p. 238.
- Passenger wrongfully ejected must not increase damages.
Bader v. Southern Pac. R. Co. (La.), vol. 17, p. 60.
- Price of clothing required by ejected passenger.
Procter v. Southern California Ry. Co. (Cal.), vol. 19, p. 77.
- Punitive damages discretionary with jury.
Louisville & N. R. Co. v. Bizzell (Ala.), vol. 23, p. 615.
- Punitive damages for ejection of passenger.
Baltimore, C. & O. Ry. Co. v. Kirby (Md.), vol. 18, p. 248.
- Punitive damages for injury to passenger.
Glover v. Charleston & S. Ry. Co. (S. Car.), vol. 17, p. 102.
- Punitive damages for injury to passenger caused by gross negligence.
Felton v. Holbrook (Ky.), vol. 17, p. 146.
- Punitive damages for insulting passenger signaling street car at crossing.
Jackson Electric Ry., Light & Power Co. v. Lowry (Miss.), vol. 23, p. 103.
- Recovery for inconvenience to passenger who voluntarily returns to his destination on a freight train after having been carried beyond it.
St. Louis, I. M. & S. Ry. Co. v. Power (Ark.), vol. 16, p. 1.
- Recovery for insults of conductor and other passengers.
Texarkana & Ft. S. Ry. Co. v. Anderson (Ark.), vol. 18, p. 37.
- Ridicule not an element unless approximate upon the

DAMAGES—Continued.

- wrong, in action for ejection of passengers.
Louisville & N. R. Co. v. Hine (Ala.), vol. 14, p. 382.
- Vexation, anxiety and physical injury suffered in consequence of being carried beyond destination, are proper elements of damage.
Louisville & N. R. Co. v. Quick (Ala.), vol. 20, p. 25.
- Wrongful ejection.
Louisville & N. R. Co. v. Blair (Tenn.), vol. 17, p. 159.
- Child may recover wages lost, in an action for personal injuries by his father as his guardian ad litem.
Lieberman v. Third Ave. R. Co. (N. Y.), vol. 12, p. 858.
- Children.**
- Death of child under South Carolina statute.
Mason v. Southern Ry. Co. (S. Car.), vol. 19, p. 83.
- Disability of child during minority.
Gulf, C. & S. F. Ry. Co. v. Johnson (Tex.), vol. 11, p. 291.
- Earnings and expenses during infancy.
St. Louis, I. M. & S. Ry. Co. v. Warren (Ark.), vol. 13, p. 729.
- For death of.
Louisville & N. R. Co. v. Creighton (Ky.), vol. 15, p. 713.
- Impairment of earning capacity during minority.
Chesapeake & O. Ry. Co. v. Davis (Ky.), vol. 19, p. 710.
- In action for death of minor son.
Atchison, etc., R. Co. v. Cross (Kan.), vol. 8, p. 758.
- Injury to minor.
Burke v. Ellis (Tenn.), vol. 19, p. 695.
- Instruction as to damages where there is a joint action by parent and child.
Gulf, C. & S. F. Ry. Co. v. Johnson (Tex.), vol. 11, p. 291.
- Loss of time in action for injuries to minor.
Burke v. Ellis (Tenn.), vol. 19, p. 695.

DAMAGES—Continued.

- Measure of damages for death of child.
 Ft. Worth & D. C. Ry. Co. v. Hyatt (Tex.), vol. 3, p. 397.
- Goodrich v. Burlington, C. R. & N. R. Co. (Iowa), vol. 3, p. 620.
- Louisville & N. R. Co. v. Creighton (Ky.), vol. 15, p. 713.
- Measure of damages for loss of leg by infant seven years old.
 Berry v. Lake Erie & W. R. Co. (U. S.), vol. 3, p. 654.
- Mental suffering of parents caused by death of child cannot be recovered for.
 Louisville & N. R. Co. v. Creighton (Ky.), vol. 15, p. 713.
- Minor's right to recover for impairment of earning capacity during minority.
 Gulf, C. & S. F. Ry. Co. v. Johnson (Tex.), vol. 15, p. 664.
- Of earning capacity of child injured on track.
 Jeffries v. Seaboard A. L. R. Co. (N. Car.), vol. 23, p. 339.
- Parent's right of recovery for death of son.
 Middle Georgia & A. Ry. Co. v. Barnett (Ga.), vol. 12, p. 532.
- Reversal in action for injuries to children.
 Gulf, C. & S. F. Ry. Co. v. Johnson (Tex.), vol. 11, p. 291.
- Value of child's service is question for jury.
 Crawford v. Southern Ry. Co. (Ga.), vol. 16, p. 829.
- Comparative negligence.
 Macon & I. S. Elec. St. Ry. Co. v. Holmes (Ga.), vol. 12, p. 385.
- Southern Ry. Co. v. Watson (Ga.), vol. 11, p. 839.
- Consequential damages only may be recovered in action for failure to make connection with train.
 Fowlks v. Southern Ry. Co. (Va.), vol. 14, p. 250.
- Constitutionality of statute allowing double damages when

DAMAGES—Continued.

- stock is injured on track because of failure to fence.
 Kingsbury v. Missouri, etc., Ry. Co. (Mo.), vol. 19, p. 720.
- Contributory negligence in mitigation of damages.
 Florida Cent. & P. R. Co. v. Foxworth (Fla.), vol. 13, p. 469.
- Southern Ry. Co. v. Pugh (Tenn.), vol. 8, p. 756.
- Contributory negligence may be shown in mitigation of damages for injuries partially caused by speed in violation of ordinance.
 Central of Georgia Ry. Co. v. Tribble (Ga.), vol. 20, p. 794.
- Costs.
 Kishlar v. Southern Pac. R. Co. (Cal.), vol. 23, p. 948.
- Crossings.
 Consequential damages for injuries caused by change of grade of crossing by order of railroad commission.
 New Haven Steam Sawmill Co. v. City of New Haven (Conn.), vol. 16, p. 588.
- Excessive verdict.
 Central of Georgia Ry. Co. v. Hall (Ga.), vol. 18, p. 26.
- Damages on amounts superseded, on affirmance on appeal.
 Missouri, K. & T. Ry. Co. v. Elliott (C. C. A.), vol. 18, p. 715.
- Death by Wrongful Act.
 Allegations of pecuniary loss in action by widow not necessary.
 Haug v. Great Northern Ry. Co. (N. Dak.), vol. 12, p. 26.
- Amount recoverable for death by wrongful act.
 Rudiger v. Chicago, St. P., M. & O. Ry. Co. (Wis.), vol. 12, p. 197.
- As to decedent's morality.
 Lipscomb v. Houston, etc., Ry. Co. (Tex.), vol. 23, p. 401.
- As to savings of decedent.
 Louisville & N. R. Co. v. York (Ala.), vol. 23, p. 470.
- Death by wrongful act, basis for recovery.
 Missouri Pac. Ry. Co. v. Moffatt (Kan.), vol. 12, p. 397.

DAMAGES—Continued.

- Distribution of damages for death by wrongful act.
 - Chicago, B. & O. R. Co. v. Oyster (Neb.), vol. 12, p. 655.
 - Norfolk & W. Ry. Co. v. Stevens (Va.), vol. 16, p. 468.
- Domestic conduct as evidence, upon question of pecuniary injury.
 - Union Pac. Ry. Co. v. Sternberger (Kan.), vol. 12, p. 745.
- Elements of recovery for death of husband and parent.
 - Walker v. McNeill (Wash.), vol. 11, p. 738.
- Evidence as to dependents in computation of damages.
 - Alabama Mineral R. Co. v. Jones (Ala.), vol. 8, p. 383.
- Evidence of family relations.
 - Crouse v. Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 780.
- Evidence that deceased left no estate.
 - Brunswick & W. R. Co. v. Wiggins (Ga.), vol. 22, p. 588.
- Evidence that widow was supported by deceased.
 - St. Louis, P. & N. Ry. Co. v. Dorsey (Ill.), vol. 21, p. 280.
- Excessive damages.
 - Denver & R. G. R. Co. v. Spencer (Colo.), vol. 10, p. 536.
 - Fluhrer v. Lake Shore & M. S. Ry. Co. (Mich.), vol. 17, p. 463.
- Excessive verdict for conscious suffering in action for wrongful death.
 - St. Louis, I. M. & S. Ry. Co. v. Dawson (Ark.), vol. 18, p. 30.
- Excessive verdict in action for death by wrongful act.
 - Louisville & N. R. Co. v. Scott (Ky.), vol. 17, p. 261.
- Forty thousand dollars excessive for death of husband and parent.
 - Walker v. McNeill (Wash.), vol. 11, p. 738.

DAMAGES—Continued.

- Funeral expenses.
 - Southern Ry. Co. v. Covenia (Ga.), vol. 10, p. 551.
- Grief of beneficiaries.
 - Stuckey v. Atlantic Coast Line R. Co. (S. Car.), vol. 20, p. 771.
- Instructions as to measure of.
 - Malott v. Shimer (Ind.), vol. 15, p. 774.
- Instructions in action to recover for wrongful death.
 - Chicago & A. R. Co. v. Kelly (Ill.), vol. 17, p. 52.
- Instruction overlooking expectation of widow's life, minority of children, marriage of daughter, and deceased's earning capacity.
 - Rouse v. Detroit Electric Ry. (Mich.), vol. 22, p. 650.
- Life expectancy.
 - Alabama Mineral R. Co. v. Jones (Ala.), vol. 8, p. 383.
- Loss of life, \$7,500 not excessive.
 - Thompson v. Great Northern Ry. Co. (Minn.), vol. 19, p. 421.
- Loss of moral and intellectual training, in action for death of father in absence of evidence that he was a fit person to train his children.
 - St. Louis & S. F. Ry. Co. v. Townsend (Ark.), vol. 22, p. 123.
- Measure of damages for death by wrongful act.
 - Louisville & N. R. Co. v. Clark (Ky.), vol. 12, p. 408.
- Measure of damages for death of parent.
 - Denver & R. G. R. Co. v. Spencer (Colo.), vol. 18, p. 236.
- Measure of damages in action for death by wrongful act.
 - Louisiana Western Extension Ry. Co. v. Carstens (Tex. Civ. App.), vol. 12, p. 782.
 - Louisville & N. R. Co. v. Brown (Ala.), vol. 14, p. 794.
 - Louisville & N. R. Co. v. Taaffe (Ky.), vol. 15, p. 693.

DAMAGES—*Continued.*

Measure of, in action by widow for wrongful death.
Schaidler v. Chicago & N. W. Ry. Co. (Wis.), vol. 15, p. 105.

Measure of, in action for death of husband.

Central of Georgia Ry. Co. v. Bond (Ga.), vol. 17, p. 757.

Pleading in action to recover damages for wrongful death.

Norfolk & W. Ry. Co. v. Stevens (Va.), vol. 16, p. 468.

Presumption that they were sustained in action for death of husband and father.

Chicago & E. R. Co. v. Thomas (Ind.), vol. 21, p. 343.

Proof of husband's circumstances and financial condition, in action for death of wife.

Thoresen v. La Crosse City R. Co. (Wis.), vol. 6, p. 102.

Punitive damages for wrongful death recoverable under Alabama statute.

MaGhee v. McCarley (C. C. A.), vol. 19, p. 216.

Punitive damages, harmless error in instruction where verdict for only compensatory damages.

Louisville & N. R. Co. v. Edmonds (Ky.), vol. 23, p. 481.

Punitive damages not recoverable for killing of child and injury of person attempting to rescue, through failure to keep lookout.

Louisville & N. R. Co. v. Creighton (Ky.), vol. 15, p. 713.

Receipt of money on life insurance policies.

Lipscomb v. Houston, etc., Ry. Co. (Tex.), vol. 23, p. 401.

Recovery by collateral heirs in action for wrongful death.

Burk v. Arcata & M. R. R. Co. (Cal.), vol. 15, p. 769.

Recovery in action by administratrix for personal in-

DAMAGES—*Continued.*

juries to deceased.

McCafferty v. Pennsylvania R. Co. (Pa.), vol. 16, p. 122.

Recovery of punitive damages in action for wrongful death under Alabama statute.

Louisville & N. R. Co. v. Lansford (C. C. A.), vol. 18, p. 697.

Second marriage of widow.
Philpott v. Penn. R. Co. (Pa.), vol. 5, p. 471.

Setting aside an excessive verdict for death by wrongful act.

Harrison v. Sutter St. Ry. Co. (Cal.), vol. 8, p. 200.

Sufferings of deceased.

Stuckey v. Atlantic Coast-Line R. Co. (S. Car.), vol. 20, p. 771.

Sufficiency of evidence.

Alabama Min. R. Co. v. Jones (Ala.), vol. 15, p. 752.

The question of whether damages are excessive is determined from evidence.

Harrison v. Sutter St. Ry. Co. (Cal.), vol. 8, p. 200.

Under Me. St. 1891, ch. 124, damages for death cannot be punitive.

Oakes v. Maine Cent. R. Co. (Me.), vol. 22, p. 190.

Verdict not excessive.

Malott v. Shimer (Ind.), vol. 15, p. 774.

Where death results from injuries recovery cannot be had both for benefit of decedent's estate on account of such injuries and for loss to decedent's heir by reason of the death.

Sweetland v. Chicago & G. T. R. Co. (Mich.), vol. 11, p. 613.

Where plaintiff dies from another cause before trial.

Atchison, T. & S. F. Ry. Co. v. Chance (Kan.), vol. 4, p. 328.

\$5,000 verdict for death by wrongful act cannot be held to be the result of passion or prejudice.

Weller v. Chicago, M. & St. P. Ry. Co. (Mo.), vol. 22, p. 61.

DAMAGES—Continued.**Eminent Domain.**

Admissibility in condemnation proceedings of evidence of sales of similar property.

Snouffer v. Chicago & N. W. Ry. Co. (Iowa), vol. 11, p. 571.

Damages where right of way has been condemned for telegraph line.

Mobile & O. R. Co. v. Postal Tel. Cable Co. (Miss.), vol. 18, p. 364.

Excessive damages.

Cobb v. St. Louis & H. Ry. Co. (Mo.), vol. 13, p. 632.

Improvements made by railroad company lawfully on land before condemnation will not be considered in estimating damages.

Charleston & W. C. Ry. Co. v. Hughes (Ga.), vol. 11, p. 541.

In condemnation proceedings, prospective location of plaintiff's depot may be considered in estimating market value of land.

Snouffer v. Chicago & N. W. Ry. Co. (Iowa), vol. 11, p. 571.

Interest.

St. Louis, O. H. & C. Ry. Co. v. Fowler (Mo.), vol. 10, p. 405.

Speculative damages where right of way has been condemned for telegraph line.

Mobile & O. R. Co. v. Postal Tel. Cable Co. (Miss.), vol. 18, p. 364.

Succeeding company liable for compensation.

Southern Ry. Co. v. Hood (Ala.), vol. 19, p. 166.

Evidence of physician as to necessity of surgical operation to relieve injured wife.

Indianapolis St. Ry. Co. v. Robinson (Ind.), vol. 23, p. 628.

Exaggeration of to confer jurisdiction.

Mexican Cent. Ry. Co., Limited, v. Glover (C. C. A.), vol. 21, p. 272.

Excessive Verdict.

Masterson v. Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 395.

DAMAGES—Continued.

\$2,500 for injury for rendering plaintiff a permanent cripple.

Louisville, etc., R. Co. v. Bowlds (Ky.), vol. 23, p. 553.

False Imprisonment.

Excessive damages.

Atchison, Topeka, etc., R. Co. v. Henry (Kan.), vol. 2, p. 418.

Fires.

Admissibility of evidence as to cost of building new house, in action for destruction of property by fire.

Alabama G. S. R. Co. v. Johnston (Ala.), vol. 20, p. 909.

Fire set by locomotives, opinion as to value of property.

Matthews v. Missouri Pac. Ry. Co. (Mo.), vol. 10, p. 673.

Injuries to orchards by fire from railroad engine.

Atchison, T. & S. F. R. Co. v. Emmerson (Kan.), vol. 8, p. 663.

Measure of, in action for loss caused by fire.

Lake Erie & W. R. Co. v. Falk (Ohio), vol. 17, p. 751.

Recovery in action for damages caused by fire set by engine limited to diminution in value of realty.

Atchison, T. & S. F. R. Co. v. Hays (Kan. App.), vol. 11, p. 654.

Recovery of attorney's fees in action for loss by fire.

St. Louis & S. F. Ry. Co. v. Ludlum (Kan.), vol. 23, p. 851.

Right of defendant to complain that damages were inadequate.

Central of Ga. Ry. Co. v. Trammell (Ga.), vol. 23, p. 856.

General and special damages.

Denver & R. G. R. Co. v. Roller (C. C. A.), vol. 18, p. 595.

Ground for reviewing on appeal.

Parker v. Norfolk & C. R. Co. (N. Car.), vol. 14, p. 844.

DAMAGES—Continued.**Injuries to Property.**

Alleging permanent injuries from construction of electric power house.

Chicago North Shore St. Ry. Co. *v.* Payne (Ill.), vol. 23, p. 706.

Damages to abutting property from proximity of tracks is question for jury.

Chesapeake & O. Ry. Co. *v.* Moats (Ky.), vol. 15, p. 645.

Damages to land from overflow of water.

Parker *v.* Norfolk & C. R. Co. (N. Car.), vol. 6, p. 716.

Elements of, for injury to adjacent property from railroad in street.

Chesapeake & O. R. Co. *v.* Smith (Ky.), vol. 15, p. 641.

Elevated railroads.

Lake Roland Elevated R. Co. *v.* Webster (Md.), vol. 1, p. 360.

Evidence as to measure of damages in action against railroad company to recover for gravel removed.

Illinois Cent. R. Co. *v.* LeBlanc (Miss.), vol. 11, p. 838.

Evidence in action for injuries to property by railroad in street.

Baltimore & O. R. Co. *v.* Lersch (Ohio), vol. 14, p. 835.

Excessive damages.

Guinn *v.* Ohio River R. Co. (W. Va.), vol. 13, p. 437.

Expenses incurred in preventing recurrences of injury from overflow of land. New York, etc., R. Co. *v.* Jones (Md.), vol. 23, p. 528.

Failure to allege negligence in action for damages from construction of electric power house.

Chicago North Shore St. Ry. Co. *v.* Payne (Ill.), vol. 23, p. 706.

Harmless error in admitting evidence.

Kishlar *v.* Southern Pac. R. Co. (Cal.), vol. 23, p. 948.

DAMAGES—Continued.

In action for diverting stream defendant should be permitted to show cost of restoring it to former channel.

Sweeney *v.* Montana Cent. Ry. Co. (Mont.), vol. 22, p. 540.

Liability of grantee of right of way for injury to abutting property from construction and operation of road.

Maysville & B. S. R. Co. *v.* Ball (Ky.), vol. 20, p. 186.

Limitation of action for injuries to property by railroad in street.

Baltimore & O. R. Co. *v.* Lersch (Ohio), vol. 14, p. 835.

Measure of damages for trespass upon inclosure.

Pollock *v.* Maysville & B. S. R. Co. (Ky.), vol. 14, p. 821.

Measure of damages to land by overflow of water.

Parker *v.* Norfolk & C. R. Co. (N. Car.), vol. 6, p. 716.

Measure of damages where street is extended over depot grounds.

Chicago, B. & O. R. Co. *v.* City of Naperville (Ill.), vol. 8, p. 702.

Measure of, in action for injury to property by railroad in street.

Baltimore & O. R. Co. *v.* Lersch (Ohio), vol. 14, p. 835.

Obstruction of a drain by railroad.

St. Louis, etc., Ry. Co. *v.* Anderson (Ark.), vol. 5, p. 637.

Personal annoyance caused abutting owner by railroad in street.

Louisville Southern R. Co. *v.* Hooe (Ky.), vol. 14, p. 808.

Pleading and proof in action for injuries from construction of electric power house.

Chicago North Shore St. Ry. Co. *v.* Payne (Ill.), vol. 23, p. 706.

DAMAGES—Continued.

- Refusal to permit testimony to be given by tenant as to a reduction of rent due to the building of the railroad.
Birch v. Lake Roland, etc., Ry. Co. (Md.), vol. 5, p. 640.
- Rights of purchaser at foreclosure sale to damages to land from construction of railroad.
St. Louis, K. & S. W. R. Co. v. Nyce (Kan.), vol. 15, p. 798.
- Right to damages for injury to property under prayer for general relief.
McHugh v. Louisville Bridge Co. (Ky.), vol. 23, p. 946.
- Sickness caused by stagnant pools of water formed near plaintiff's house.
Gulf, Colorado, etc., R. Co. v. Richards (Tex.), vol. 1, p. 668.
- Speculative damages based upon alleged inability to grow crops, in action for injury to property caused by overflow.
New York, etc., R. Co. v. Jones (Md.), vol. 23, p. 528.
- Value of dog killed a question for jury.
Jones v. Illinois Cent. R. Co. (Miss.), vol. 14, p. 839.
- Interest must be claimed in complaint in action for negligence.
Haner v. Northern Pac. Ry. Co. (Idaho), vol. 19, p. 628.
- Interest on damages recovered under penal statute.
Blair v. Sioux City & P. Ry. Co. (Iowa), vol. 10, p. 306; vol. 17, p. 363.
- Master and Servant.**
- Acceptance of benefits from relief fund as release of claim for damages.
Beck v. Pennsylvania R. Co. (N. J.), vol. 15, p. 851.
- Admissibility of evidence as to payment of hospital expenses, in absence of allegation respecting them.
Mickelson v. New East Tintic Ry. Co. (Utah), vol. 20, p. 855.

DAMAGES—Continued.

- Admissibility of evidence of wages in another employment.
Grimmelman v. Union Pac. Ry. Co. (Iowa), vol. 8, p. 321.
- Capacity of injured brakeman to earn wages.
Wimber v. Iowa Cent. Ry. Co. (Iowa), vol. 23, p. 476.
- Damages for injury to brakeman.
Hollenbeck v. Missouri Pac. Ry. Co. (Mo.), vol. 8, p. 277.
- Element of damages in action by employee for injuries.
Bussey v. Charleston & W. C. Ry. Co. (S. Car.), vol. 11, p. 474.
- Louisville & N. R. Co. v. Woods (Ala.)*, vol. 11, p. 872.
- Evidence as to previous earnings in action for injury to employee.
Central of Georgia Ry. Co. v. Perkerson (Ga.), vol. 21, p. 63.
- Hearsay evidence tending to enhance damages, in action for injury to employee.
Trott v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 391.
- Liability for second injury to switchman injured through negligence of engineer in backing train.
Illinois Cent. R. Co. v. Stewart (Ky.), vol. 21, p. 874.
- Measure of damages in action for breach of contract releasing claim for personal injuries in consideration of future employment.
Rhoades v. Chesapeake & O. Ry. Co. (W. Va.), vol. 22, p. 283.
- Punitive damages could not be recovered of master for wanton or malicious act of servant.
Haver v. Central R. Co. of N. J. (N. J.), vol. 17, p. 490.
- Recovery of punitive damages from master for malicious acts of servant under Colorado statute.
Ristine v. Blocker (Colo.), vol. 18, p. 139.

DAMAGES—Continued.

May be diminished because of contributory negligence.

Western & A. R. Co. *v.* Ferguson (Ga.), vol. 22, p. 350.

Mental suffering.

Chicago City Ry. Co. *v.* Taylor (Ill.), vol. 9, p. 513.

Personal Injuries.

Action for personal injuries, measure of damages.

Chicago City Ry. Co. *v.* Taylor (Ill.), vol. 9, p. 513.

Admissibility of evidence as to size of family in action for personal injury.

Youngblood *v.* South Carolina & G. R. Co. (S. Car.), vol. 20, p. 622.

Admissibility of evidence of compromise with persons having similar claims.

St. Louis, etc., Ry. Co. *v.* Stewart (Ark.), vol. 20, p. 571.

Age of injured person to be considered in an action for permanent injuries.

Taylor *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 15, p. 788.

Annual value of plaintiff's labor.

Boston & Albany Railroad Co. *v.* O'Reilly (U. S.), vol. 2, p. 377.

Anticipation of future payments in compensating for loss of earning capacity.

Goodhart *v.* Pennsylvania R. Co. (Pa.), vol. 5, p. 364.

Burden on plaintiff, in action for personal injuries, to show extent of damages.

Texas & P. Ry. Co. *v.* Barrett (U. S.), vol. 11, p. 867.

Computation of earnings.

Goodhart *v.* Pennsylvania R. Co. (Pa.), vol. 5, p. 364.

Considering prospect of increased earnings and diminution of capacity to earn.

Atlanta Consolidated St. Ry. Co. *v.* Owings (Ga.), vol. 5, p. 2.

DAMAGES—Continued.

Damages for future suffering from mental shock.

Denver & R. G. R. Co. *v.* Roller (C. C. A.), vol. 18, p. 595.

Damages for personal injuries as part of cost of maintenance.

Louisville & N. R. Co. *v.* Chesapeake & O. Ry. Co. (Ky.), vol. 16, p. 539.

Diminished earning capacity.

Texas & P. R. Co. *v.* Bowlin (Tex. Civ. App.), vol. 2, p. 387.

Disfigurement injuring marriage prospects.

Smith *v.* Pittsburg & W. Ry. Co. (Ohio), vol. 13, p. 716.

Doctor's bill.

Parker *v.* South Carolina & G. Ry. Co. (S. Car.), vol. 6, p. 731.

Error in instructing that there could be recovery for loss of capacity to perform the kind of labor for which plaintiff was fitted.

Macon *v.* Paducah St. Ry. Co. (Ky.), vol. 22, p. 614.

Evidence as to existence of internal injuries.

Bodie *v.* Charleston, etc., Ry. Co. (S. Car.), vol. 22, p. 818.

Evidence as to wages received before and after accident admissible under allegations.

Palmer *v.* Winona Railway & Light Co. (Minn.), vol. 22, p. 696.

Evidence as to whether plaintiff appeared to suffer.

Cicero & P. St. Ry. Co. *v.* Priest (Ill.), vol. 22, p. 694.

Evidence of earnings of employee outside of employment admissible.

Wilkie *v.* Raleigh & C. F. R. Co. (N. Car.), vol. 19, p. 295.

Excessive Verdict.

Chicago & A. R. Co. *v.* Blaul (Ill.), vol. 12, p. 418.

Galveston, H. & H. R. Co. *v.* Bohan (Tex.), vol. 12, p. 491.

DAMAGES—*Continued.*

- Jackson *v.* St. Louis S. W. Ry. Co. (La.), vol. 18, p. 444.
- Nashville St. R. R. *v.* O'Bryan (Tenn.), vol. 22, p. 902.
- St. Louis, I. M. & S. Ry. Co. *v.* Waren (Ark.), vol. 13, p. 729.
- Southern Ry. Co. *v.* Dawson (Va.), vol. 18, p. 592.
- Example of excessive damages for personal injuries. Louisville & N. R. Co. *v.* Mattingly (Ky.), vol. 8, p. 319.
- Excessive verdict for permanent injuries. Taylor *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 15, p. 788.
- Injury to spine of plaintiff's wife. International & G. N. R. Co. *v.* Mulliken (Tex. Civ. App.), vol. 2, p. 387.
- Instance of excessive damages for injury to ankle. Chesapeake & O. Ry. Co. *v.* Friel (Ky.), vol. 8, p. 126.
- Loss of a portion of foot. Elliott *v.* Newport St. R. Co. (R. I.), vol. 2, p. 388.
- Loss of eye. Texas & P. R. Co. *v.* Bowlin (Tex. Civ. App.), vol. 2, p. 387.
- Loss of leg. Yerkes *v.* Northern Pac. Ry. Co. (Wis.), vol. 23, p. 642.
- Permanent injury to ankle. St. Joseph & G. I. R. Co. *v.* Hedge (Neb.), vol. 2, p. 387.
- Severe personal injury causing epilepsy. Gideonsen *v.* Union Depot Co. (Mo.), vol. 2, p. 388.
- Verdict for paralysis of one arm and loss of leg. Texas & P. R. Co. *v.* Johnson (Tex. Civ. App.), vol. 3, p. 434.
- Verdict for \$14,500 for loss of brakeman's leg reduced to \$8,000. Wimber *v.* Iowa Cent. Ry. Co. (Iowa), vol. 23, p. 476.

DAMAGES—*Continued.*

- \$8,000 not excessive damages for loss of foot and toes of other foot. Wood *v.* Louisville & N. R. Co. (Tenn.), vol. 11, p. 525.
- \$15,000 for permanent injuries to leg reduced to \$10,000. Chitty *v.* St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 23, p. 829.
- Expectation of life. Missouri, K. & T. R. Co. *v.* McGlamory (Tex.), vol. 3, p. 434.
- Expenses. Goodhart *v.* Pennsylvania R. Co. (Pa.), vol. 5, p. 364.
- Expenses for treatment, etc. Missouri, K. & T. R. Co. *v.* McGlamory (Tex.), vol. 3, p. 434.
- Expenses of medical attendance. Louisville & Nashville R. Co. *v.* McEwan (Ky.), vol. 2, p. 438.
- Wilson *v.* Southern Pac. Co. (Utah,) vol. 4, p. 40.
- Expert testimony as to earning power. Goodhart *v.* Pennsylvania R. Co. (Pa.), vol. 5, p. 364.
- Fees for medical services recoverable though they have not been paid. Omaha St. Ry. Co. *v.* Emminger (Neb.), vol. 12, p. 188.
- For future loss of time must be pleaded. Scott *v.* Chicago G. W. Ry. Co. (Iowa), vol. 20, p. 884.
- Future injuries. Omaha St. Ry. Co. *v.* Emminger (Neb.), vol. 12, p. 188.
- Future mental suffering. Yerkes *v.* Northern Pac. Ry. Co. (Wis.), vol. 23, p. 642.
- Future pain and suffering, excessive damages. Becker *v.* Albany Ry. (N. Y.), vol. 12, p. 853.
- Harmless error in instructing jury to find nominal damages where verdict for substantial damages. Louisville & N. R. Co. *v.* Head (Ky.), vol. 19, p. 302.

DAMAGES—Continued.

- Impaired ability to labor because of loss of legs.
Wimber *v.* Iowa Cent. Ry. Co. (Iowa), vol. 23, p. 476.
- Impairment of earning ability.
Knopf *v.* Philadelphia, W. & B. R. Co. (Del.), vol. 20, p. 172.
- Impairment of health need not be specially pleaded in action for injury to servant.
Youngblood *v.* South Carolina & G. R. Co. (S. Car.), vol. 20, p. 622.
- In action for personal injuries to wife.
Indianapolis St. Ry. Co. *v.* Robinson (Ind.), vol. 23, p. 628.
- In case of collisions where track used in common.
Central Trust Co. of New York *v.* Denver, etc., R. Co. (C. C. A.), vol. 19, p. 513.
- Instructions.
Nohrden *v.* Northeastern R. Co. (S. Car.), vol. 20, p. 241.
- Instructions as to elements of.
Beath *v.* Rapid Ry. Co. (Mich.), vol. 15, p. 793.
- Instruction as to measure of.
Atlanta, K. & N. Ry. Co. *v.* Bryant (Ga.), vol. 15, p. 817.
- Instruction as to measure of damages.
Central of Ga. Ry. Co. *v.* Johnston (Ga.), vol. 12, p. 286.
- Instruction as to punitive damages where such are not recoverable.
Claiborne *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 14, p. 217.
- Instruction as to total disability, where plaintiff still earns salary as postmaster, is error.
Goodhart *v.* Pennsylvania R. Co. (Pa.), vol. 5, p. 364.
- Instruction failing to limit in action for personal injuries.
Indianapolis St. Ry. Co. *v.* Robinson (Ind.), vol. 23, p. 628.
- Interest on probable loss of

DAMAGES—Continued.

- earnings and expenses.
St. Louis, I. M. & S. Ry. Co. *v.* Waren (Ark.), vol. 13, p. 729.
- Lex loci controls in distribution of.
Texas & P. Ry. Co. *v.* Humble (C. C. A.), vol. 17, p. 83.
- Life tables.
Trott *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 391.
- Loss of leg.
Sloniker *v.* Great Northern Ry. Co. (Minn.), vol. 13, p. 819.
- Smith *v.* Pittsburgh & W. Ry. Co. (C. C. Ohio), vol. 13, p. 716.
- Loss of married woman's earning capacity, in action in her own name.
Texas, etc., Ry. Co. *v.* Humble (U. S.), vol. 20, p. 821.
- Loss of memory or impaired mental constitution.
Atchison, T. & S. F. R. Co. *v.* Willey (Kan.), vol. 6, p. 565.
- Loss of probable earnings.
Chicago, etc., Ry. Co. *v.* Hoover (Ind. Ter.), vol. 23, p. 73.
- Loss of profits from partnership business, evidence of, admissible.
Chicago, R. I. & P. Ry. Co. *v.* Scheinkoenig (Kan.), vol. 19, p. 232.
- Loss of services of married women.
Southern Kan. Ry. Co. *v.* Pavey (Kan.), vol. 5, p. 591.
- Loss of time.
Texas & P. R. Co. *v.* Buckalew (Tex. Civ. App.), vol. 3, p. 433.
- Loss of time and wages.
Knopf *v.* Philadelphia, W. & B. R. Co. (Del.), vol. 20, p. 172.
- Measure of damages.
Brown *v.* Wilmington City Ry. Co. (Del.), vol. 12, p. 440.
- Measure of damages, instructions of court as to injury to feelings, etc.
Georgia, R. & B. Co. *v.* Keating (Ga.), vol. 5, p. 331.

DAMAGES—Continued.

- Measure of, in action for personal injuries.
 St. Louis, I. M. & S. Ry. Co. *v.* Waren (Ark.), vol. 13, p. 729.
- Medical expenses in action for personal injuries.
 Cobb *v.* St. Louis & H. Ry. Co. (Mo.), vol. 13, p. 632.
- Mental disturbance.
 Lambertson *v.* Consolidated Traction Co. (N. J.), vol. 10, p. 753.
- Mental suffering.
 Atchison, T. & S. F. Ry. Co. *v.* Chance (Kan.), vol. 4, p. 328.
 Bamford *v.* Pittsburg & B. Traction Co. (Pa.), vol. 22, p. 798.
 Louisville & N. R. Co. *v.* Sanders (Ky.), vol. 10, p. 528.
 Norfolk & W. R. Co. *v.* Marpole (Va.), vol. 16, p. 291.
 Texarkana & F. S. Ry. Co. *v.* Anderson (Ark.), vol. 18, p. 37.
- Method of estimating in action for personal injuries.
 Rooney *v.* New York, N. H. & H. R. Co. (Mass.), vol. 14, p. 425.
- Miscarriage.
 Butler *v.* Manhattan R. Co. (N. Y.), vol. 2, p. 386.
- Mitigation of damages, discretion of court.
 Western & A. R. Co. *v.* Ferguson (Ga.), vol. 22, p. 350.
- Mitigation of damages where there is contributory negligence.
 Artenberry *v.* Southern Pac. Ry. Co. (Tenn.), vol. 15, p. 84.
 Southern Ry. Co. *v.* Pugh, (Tenn.), vol. 8, p. 756.
- Mortality tables.
 Macon, etc., R. Co. *v.* Moore (Ga.), vol. 5, p. 355.
- Nursing and attendance.
 Goodhart *v.* Pennsylvania R. Co. (Pa.), vol. 5, p. 364.
- Opinion of trial court as to

DAMAGES—Continued.

- whether verdict was excessive.
 Galveston H. & H. R. Co. *v.* Bohan (Tex.), vol. 12, p. 491.
- Pain and suffering.
 Schenkel *v.* Pittsburgh & B. Traction Co. (Pa.), vol. 22, p. 904.
- Pain not an independent item of damages.
 Goodhart *v.* Pennsylvania R. Co. (Pa.), vol. 5, p. 364.
- Past pain and suffering.
 Knopf *v.* Philadelphia, W. & B. R. Co. (Del.), vol. 20, p. 172.
- Permanent disability.
 Lake Shore & M. S. Ry. Co. *v.* Conway (Ill.), vol. 11, p. 7.
- Permanent disability, instructions.
 Lake Shore & M. S. Ry. Co. *v.* Conway (Ill.), vol. 11, p. 7.
- Personal injuries, harmless error in instructing as to elements.
 Coley *v.* North Carolina R. Co. (N. Car.), vol. 21, p. 891.
- Physical and mental suffering.
 Cicero & P. St. Ry. Co. *v.* Brown (Ill.), vol. 23, p. 930.
- Hall *v.* Cedar Rapids, etc., Ry. Co. (Iowa), vol. 23, p. 316.
- Omaha St. Ry. Co. *v.* Em-minger (Neb.), vol. 12, p. 188.
- Pleading special damages.
 Macon *v.* Paducah St. Ry. Co. (Ky.), vol. 22, p. 614.
- Postponement of marriage as an element of, in action for personal injuries.
 Beath *v.* Rapid Ry. Co. (Mich.), vol. 15, p. 793.
- Prospective loss from permanent disability.
 Indianapolis St. Ry. Co. *v.* Robinson (Ind.), vol. 23, p. 628.
- Province of court as to amount of verdict.
 Smith *v.* Pittsburgh & W. Ry. Co. (C. C. Ohio), vol. 13, p. 716.

DAMAGES—Continued.

- Punitive damages may be allowed where gross negligence is shown.
Illinois Cent. R. Co. v. Stewart (Ky.), vol. 21, p. 874.
- Punitive damages, verdict will be disturbed as excessive, when they are allowed, only in extreme cases.
Illinois Cent. R. Co. v. Stewart (Ky.), vol. 21, p. 874.
- Recovery by married woman.
Texas & P. Ry. Co. v. Humble (C. C. A.), vol. 17, p. 83.
- Recovery for loss of eye.
Shaw v. Chicago & G. T. Ry. Co. (Mich.), vol. 18, p. 131.
- Recovery for physical injury from mental shock.
Gulf, C. & S. F. Ry. Co. v. Hayter (Tex.), vol. 18, p. 46.
- Recovery may be had for injuries from mental shock.
Denver & R. G. R. Co. v. Roller (C. C. A.), vol. 18, p. 595.
- Recovery of earnings and expenses limited to life expectancy.
St. Louis, I. M. & S. Ry. Co. v. Warren (Ark.), vol. 13, p. 729.
- Recovery of expenses in action for personal injuries limited to reasonable expenses and to those set out in petition.
Houston & T. C. R. Co. v. Rowell (Tex.), vol. 11, p. 597.
- Reduction of excessive verdict by trial court.
Kalfur v. Broadway F. & M. Ave. R. Co. (N. Y.), vol. 12, p. 850.
- Release of claims for damages, whether it covers unknown injuries.
Seeley v. Citizens' Traction Co. (Pa.), vol. 6, p. 790.
- Remittitur.
Baxter v. Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 476.
Smith v. Pittsburgh & W. Ry. Co. (C. C. Ohio), vol. 13, p. 716.

DAMAGES—Continued.

- Remittitur not granted where right to recover is not free from doubt.
St. Louis, I. M. & S. Ry. Co. v. Warren (Ark.), vol. 13, p. 729.
- Remittitur, province of court.
Chitty v. St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 23, p. 829.
- Review, where it is claimed that verdict is excessive.
Schenkel v. Pittsburgh & B. Traction Co. (Pa.), vol. 22, p. 904.
- Separate recovery for successive injuries.
Illinois Cent. R. Co. v. Stewart (Ky.), vol. 21, p. 875.
- Shame and mortification as elements of, in action for personal injuries.
Beath v. Rapid Ry. Co. (Mich.), vol. 15, p. 793.
- Sick benefits not received from company not to be considered by jury.
Baltimore City Pass. Ry. Co. v. Baer (Md.), vol. 22, p. 662.
- Sufficiency of evidence of married woman's earning capacity.
Texas, etc., Ry. Co. v. Humble (U. S.), vol. 20, p. 821.
- Sufficiency of evidence to sustain instruction permitting recovery for medical expenses.
Merrieles v. Wabash R. Co. (Mo.), vol. 22, p. 158.
- Unnecessarily harsh and annoying conduct of defendant's physician.
Goodhart v. Pennsylvania R. Co. (Pa.), vol. 5, p. 364.
- Value of time lost.
Atchison, T. & S. F. R. Co. v. Chance (Kan.), vol. 4, p. 328.
- Verdict for loss of leg not excessive.
Kalfur v. Broadway F. & M. Ave. R. Co. (N. Y.), vol. 12, p. 850.
- Verdict for \$15,000 for loss of both legs will not be set aside as excessive where

DAMAGES—Continued.

punitive damages were authorized.

Illinois Cent. R. Co. v. Stewart (Ky.), vol. 21, p. 874.

Where a female passenger through the maltreatment of the employee of a railway company was compelled to expose her person to the weather and to a number of men and received injuries which together with her excitement resulted in her having a miscarriage, a verdict of \$2500.00 is not so excessive as to create the belief that the jury were misled by passion, prejudice, or ignorance.

McKeon v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 8, p. 219.

Wife's loss of sleep.

Indianapolis St. Ry. Co. v. Robinson (Ind.), vol. 23, p. 628.

Wife's services as nurse.

Crouse v. Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 780.

Plaintiff cannot claim or recover damages upon grounds of negligence other than those alleged in his petition.

Brown v. Chicago, R. I. & P. Ry. Co. (Kan.), vol. 11, p. 408.

Pleading in action by one company against another to recover damages paid by the former to passenger, and alleged to have been caused by negligence of the latter.

Cincinnati, New Orleans, etc., R. Co. v. Louisville & Nashville R. Co. (Ky.), vol. 2, p. 409.

Pleading recovery for wages of deceased employee not claimed in declaration.

Freeman v. Illinois Cent. R. Co. (Tenn.), vol. 22, p. 49.

Punitive damages, evidence as to defendant's wealth where punitive damages are claimed.

Nashville St. R. R. v. O'Bryan (Tenn.), vol. 22, p. 902.

DAMAGES—Continued.**Receivers.**

Allowance of, on claims against receiver for negligence, within discretion of court.

Central Trust Co. of New York v. Denver, etc., R. Co. (C. C. A.), vol. 19, p. 513.

Stock, Injuries to.

Atchison, T. & S. F. R. Co. v. Billings (Kan.), vol. 10, p. 740.

Damages recoverable under Missouri statute for injuries to live stock in transit.

Paddock v. Missouri Pac. Ry. Co. (Mo.), vol. 17, p. 310.

Evidence of value of stock.

Western & A. R. Co. v. Calhoun (Ga.), vol. 11, p. 334.

Interest.

Western & A. R. Co. v. Brown (Ga.), vol. 10, p. 107.

Western & A. R. Co. v. Calhoun (Ga.), vol. 11, p. 334.

Interest on value of stock killed.

St. Louis S. W. Ry. Co. v. Chambliss (Tex.), vol. 18, p. 204.

Killing stock, measure of damages.

Grand Island & W. C. R. Co. v. Swinbank (Neb.), vol. 9, p. 870.

Testimony as to groans not objectionable as declarations in own favor.

Cicero & P. St. Ry. Co. v. Priest (Ill.), vol. 22, p. 694.

Value of dog killed a question for jury.

Jones v. Illinois Cent. R. Co. (Miss.), vol. 14, p. 839.

DANGEROUS PREMISES.

See *Children*.

Master and Servant.

DEAD WOODS.

See *Coupling Cars*.

DEAF AND DUMB PERSONS.

See *Contributory Negligence*.
Street Railways.

DEATH BY WRONGFUL DEATH BY WRONGFUL ACT

See Accidents on Track.

Actions.

Burden of Proof.

Carriers of Passengers.

Conflict of Laws.

Contributory Negligence.

Crossings.

Damages.

Electric Railroads.

Evidence.

Executors and Adminis-
trators.

Fellow Servants.

Jurisdiction.

Master and Servant.

Trespassers.

Action by widow under Florida statute.

Florida Cent. & P. R. Co. *v.*
Foxworth (Fla.), vol. 13, p.
469.

Act of widow without consent of
child cannot prevent its recov-
ery for injuries and death of
father.

Pittsburg, C., C. & St. L. Ry.
Co. *v.* Hosea (Ind.), vol. 14,
p. 692.

Pittsburg, C., C. & St. L. Ry.
Co. *v.* Moore (Ind.), vol. 14,
p. 678.

Administrator's authority, pre-
sumption.

Nohrden *v.* Northeastern R.
Co. (S. Car.), vol. 13, p. 557.

Alabama statute.

Louisville & N. R. Co. *v.*
Graham (Ala.), vol. 3, p. 433.

• Amendment of declaration con-
stituting departure so as to
render action barred by limita-
tions.

Boston & M. R. R. *v.* Hurd
(C. C. A.), vol. 21, p. 674.

Application to express company
of Texas statute giving right
of action for death.

Lipscomb *v.* Houston & T. C.
Ry. Co. (Tex.), vol. 23, p.
401.

Assets within county of railroad,
sufficiency of evidence in ac-
tion by administrator.

Boston & M. R. R. *v.* Hurd
(C. C. A.), vol. 21, p. 675.

Assumption of risk

Chicago, etc., R. Co. *v.* Soder-
burg (Neb.), vol. 8, p. 761.

Basis of recovery of damages.

Missouri Pac. Ry. Co. *v.* Mof-
fatt (Kan.), vol. 12, p. 397.

—Continued.

Burden of proving conscious
suffering in action for benefit
of estate.

Sweetland *v.* Chicago & G. T.
R. Co. (Mich.), vol. 11, p. 613.

Burden of proving negligence.
St. Louis & S. F. Ry. Co. *v.*
Townsend (Ark.), vol. 22, p.
123.

Burden of proving negligence
was on plaintiff in action for
death on railroad track.

St. Louis & S. F. Ry. Co. *v.*
Townsend (Ark.), vol. 22, p.
123.

Common-law limitation of ac-
tions.

Western & A. R. Co. *v.* Bass
(Ga.), vol. 11, p. 608.

Contributory Negligence.

Burden of proving contribu-
tory negligence.

Consolidated Traction Co.
v. Hone (N. J.), vol. 9, p.
249.

Heckle *v.* Southern Pac. Co.
(Cal.), vol. 15, p. 584.

Schneider *v.* Market St. Ry.
Co. (Cal.), vol. 23, p. 692.

Deceased getting upon track
when he must have seen ap-
proach of train.

McManamee *v.* Missouri Pac.
Ry. Co. (Mo.), vol. 5, p.
474.

Deceased killed by locomotive
running backwards through
street.

Brunswick & W. A. Co. *v.*
Gibson (Ga.), vol. 5, p.
441.

Deceased sitting on brake-
wheel.

Wilson *v.* Pennsylvania R.
Co. (Pa.), vol. 5, p. 491.

Instructions ignoring absence
of knowledge.

Louisville & N. R. Co. *v.*
Jones (Ala.), vol. 23, p.
224.

No defense under Massachu-
setts statute providing for
the punishment of railroads,
unless true cause of injury.

Boston & M. R. R. *v.* Hurd
(C. C. A.), vol. 21, p. 674.

Presumption as to care on
part of person killed in ab-
sence of evidence.

Cameron *v.* Great Northern
Ry. Co. (N. Dak.), vol. 12,
p. 520.

DEATH BY WRONGFUL ACT DEATH BY WRONGFUL ACT

—Continued.

Presumption as to contributory negligence, in action for death of employee.

Louisville & N. R. Co. v. Milliken (Ky.), vol. 14, p. 742.

Presumption of contributory negligence where deceased drove on track in front of approaching train which he should have seen.

Hook v. Missouri Pac. Ry. Co. (Mo.), vol. 21, p. 787.

Presumption where deceased stepped from one street car in ample time to have crossed parallel track and and to have avoided another car coming in opposite direction.

Evansville Street R. Co. v. Gentry (Ind.), vol. 5, p. 500.

Question for jury.

Walker v. Shelton (Kan.), vol. 11, p. 15.

Contributory negligence of parents.

St. Louis, I. M. & S. Ry. Co. v. Dawson (Ark.), vol. 18, p. 30.

Damages.

Chesapeake, etc., Ry. Co. v. Lang (Ky.), vol. 6, p. 779.

Green v. Southern Pac. Co. (Cal.), vol. 13, p. 511.

May v. West Jersey & S. R. Co. (N. J.), vol. 13, p. 517.

Strother v. South Carolina R. Co. (S. Car.), vol. 5, p. 430.

Walker v. Lake Shore, etc., Ry. Co. (Mich.), vol. 6, p. 779.

Action by collateral heirs.

Burk v. Arcata & M. R. R. Co. (Cal.), vol. 15, p. 769.

Ascertainment of damages for death.

Jackson v. Consolidated Traction Co. (N. J.), vol. 5, p. 697.

Benefit accruing to adult children from decedent's life.

Chicago & W. I. R. Co. v. Ptacek (Ill.), vol. 10, p. 481.

Damages for benefit of decedent's children.

Felton v. Spiro (C. C. A.), vol. 10, p. 865.

—Continued.

Damages which a minor recovers for his father's death.

Tyler S. E. Railway Co. v. Rasberry (Tex.), vol. 3, p. 376.

Elements of damage.

Green v. Southern Pac. Co. (Cal.), vol. 13, p. 511.

Elements of damages, earning capacity under Me. St. 1891, ch. 124.

Oakes v. Maine Cent. R. Co. (Me.), vol. 22, p. 190.

Elements of damages in action by widow.

Florida Cent. & P. R. Co. v. Foxworth (Fla.), vol. 13, p. 469.

Evidence as to family of deceased.

Southern Ry. Co. in Kentucky v. Evans (Ky.), vol. 21, p. 809.

Evidence of decedent's earning capacity in action by administrator.

Louisville & N. R. Co. v. Jones (Ala.), vol. 23, p. 224.

Evidence of dependence.

Chicago, P. & St. L. R. Co. v. Woolridge (Ill.), vol. 13, p. 501.

Evidence of dependency of intestate's mother.

Louisville & N. R. Co. v. Jones (Ala.), vol. 23, p. 224.

Evidence that deceased did not contribute to support of next of kin.

Atchison, T. & S. F. Ry. Co. v. Ryan (Kan.), vol. 21, p. 684.

Excessive damages.

English v. Southern Pac. Co. (Utah), vol. 4, p. 63.

May v. West Jersey & S. R. Co. (N. J.), vol. 13, p. 517.

Tyler S. E. Ry. Co. v. Rasberry (Tex.), vol. 3, p. 376.

Excessive verdict in favor of next of kin.

Rafferty v. Erie R. Co. (N. J.), vol. 21, p. 778.

Exemplary damages.

Garrick v. Florida Cent. & P. R. Co. (S. Car.), vol. 13, p. 541.

Nohrden v. Northeastern R. Co. (S. Car.), vol. 13, p. 557.

DEATH BY WRONGFUL ACT DEATH BY WRONGFUL ACT

—Continued.

Expectation of pecuniary benefit by next of kin.

Boyden *v.* Fitchburg R. Co. (Vt.), vol. 10, p. 523.

Funeral expenses, construction of statute.

Consolidated Traction Co. *v.* Hone (N. J.), vol. 9, p. 249.

Loss of moral and intellectual training in action for death of father, in absence of evidence that he was a fit person to do such training.

St. Louis & S. F. Ry. Co. *v.* Townsend (Ark.), vol. 22, p. 123.

Measure of Damages.

Chesapeake, etc., Ry. Co. *v.* Lang (Ky.), vol. 6, p. 779.

Louisville & N. R. Co. *v.* Brown (Ala.), vol. 14, p. 794.

Louisville & N. R. Co. *v.* Clark (Ky.), vol. 12, p. 408.

Louisville & N. R. Co. *v.* Creighton (Ky.), vol. 15, p. 713.

Louisville & N. R. Co. *v.* Kelly (Ky.), vol. 7, p. 165.

Louisville & N. R. Co. *v.* Taafe (Ky.), vol. 15, p. 693.

Louisville & N. R. Co. *v.* Tucker (Ky.), vol. 23, p. 876.

Louisville & N. R. Co. *v.* Ward (Ky.), vol. 10, p. 544.

Southern Ry. Co. in Kentucky *v.* Evans (Ky.), vol. 21, p. 809.

Walker *v.* Lake Shore, etc., Ry. Co. (Mich.), vol. 6, p. 779.

Action by administrator.

Louisville & N. R. Co. *v.* Jones (Ala.), vol. 23, p. 224.

Evidence of wages received.

Oakes *v.* Maine Cent. R. Co. (Me.), vol. 22, p. 190.

In action by widow.

Schaidler *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 15, p. 105.

In action for death of husband.

Central of Georgia Ry. Co. *v.* Bond (Ga.), vol. 17, p. 757.

—Continued.

In Colorado.

Denver & R. G. R. Co. *v.* Spencer (Colo.), vol. 10, p. 536.

Sums expended for support of mother and sister.

Louisville & N. R. Co. *v.* Jones (Ala.), vol. 23, p. 226.

Where a constitution provides that damages may be recovered for death by wrongful act, the word damages has been held to include punitive, as well as compensatory damages.

Louisville & N. R. Co. *v.* Kelly (Ky.), vol. 7, p. 165.

Mental suffering of parents could not be recovered for.

Louisville & N. R. Co. *v.* Creighton (Ky.), vol. 15, p. 713.

Nominal damages for death.

Cox *v.* Chicago & N. W. Ry. Co. (Iowa), vol. 9, p. 604.

Pecuniary injury.

Chicago, P. & St. L. R. Co. *v.* Woolridge (Ill.), vol. 13, p. 501.

Persons entitled to recover.

Atchison, T. & S. F. Ry. Co. *v.* Ryan (Kan.), vol. 21, p. 684.

Physical suffering of deceased or grief of beneficiary are not elements of damages, under Me. St. 1891, ch. 124.

Oakes *v.* Maine Cent. R. Co. (Me.), vol. 22, p. 190.

Presumption that they were sustained in action for death of husband and father.

Chicago & E. R. Co. *v.* Thomas (Ind.), vol. 21, p. 343.

Recovery for benefit expected of minor child after he should reach majority.

Texas & P. Ry. Co. *v.* Wilder (C. C. A.), vol. 13, p. 520.

Right of adult children to recover damages for the negligent killing of their father, who made them a yearly allowance not affected by fact that they inherited his estate.

Stahler *v.* Philadelphia & R. Ry. Co. (Pa.), vol. 21, p. 815.

- DEATH BY WRONGFUL ACT**
—*Continued.*
- Right of brothers and sisters to recover.
Brown *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 13, p. 603.
 - Right to recover death loss must be clearly given by statute.
Brown *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 13, p. 603.
 - Statutory right to recover not exclusive.
Brown *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 13, p. 603.
 - While jury may consider probable personal expenses of decedent, the failure to so instruct the jury was not error.
Southern Ry. Co. in Kentucky *v.* Evans (Ky.), vol. 21, p. 809.
 - \$5,000 verdict cannot be held to be the result of passion and prejudice.
Weller *v.* Chicago, M. & St. P. Ry. Co. (Mo.), vol. 22, p. 61.
 - Deceased killed by locomotive running backward through street without lookout.
Brunswick, etc., R. Co. *v.* Gibson (Ga.), vol. 5, p. 441.
 - Determination of amount recoverable.
Rudiger *v.* Chicago, St. P., M. & O. Ry. Co. (Wis.), vol. 12, p. 197.
 - Directing verdict.
Louisville & N. R. Co. *v.* Vittitoe (Ky.), vol. 3, p. 666.
 - Directing verdict where absence of evidence as to cause of death of man found on track.
Stidham *v.* Chesapeake & O. Ry. Co. (Ky.), vol. 23, p. 162.
 - Double remedy under laws of Michigan.
Dolson *v.* Lake Shore, etc., Ry. Co. (Mich.), vol. 23, p. 387.
 - Effect in statutory action by widow and son for wrongful death of stipulation in pass on which deceased was traveling limiting carrier's liability.
Adams *v.* Northern Pac. Ry. Co. (Wash.), vol. 15, p. 784.
- DEATH BY WRONGFUL ACT**
—*Continued.*
- Effect of release executed before death.
Hill *v.* Pennsylvania R. Co. (Pa.), vol. 8, p. 229.
 - Enforcement of foreign statute, in action for.
Nicholas *v.* Burlington, C. R. & N. Ry. Co. (Minn.), vol. 16, p. 341.
 - Engineer killed by rock falling on track, negligence of company question for jury.
Clune *v.* Ristine (C. C. A.), vol. 15, p. 761.
 - Error in granting nonsuit.
Griffin *v.* Brunswick & W. R. Co. (Ga.), vol. 21, p. 808.
 - Evidence.**
 - Admissibility of evidence of husband's subsequent marriage in action for death of wife.
Gulf, C. & S. F. Ry. Co. *v.* Younger (Tex.), vol. 8, p. 84.
 - As to number of children admissible in action for.
Illinois C. R. Co. *v.* Davis (Tenn.), vol. 18, p. 708.
 - As to who constituted deceased's next of kin, judicial discretion in admitting after arguments and instructions.
Indiana, etc., Ry. Co. *v.* Hendrian (Ill.), vol. 22, p. 392.
 - Burden of proving negligence in action for wrongful death.
St. Louis & S. F. Ry. Co. *v.* Townsend (Ark.), vol. 22, p. 123.
 - Declarations of person as to his symptoms, made to physician or surgeon, not for purpose of treatment, but for purpose of leading physician or surgeon to form opinion to which he may testify as witness for declarant, in suit brought by him for personal injuries, are not admissible in evidence at instance of declarant.
Lambertson *v.* Consolidated Traction Co. (N. J.), vol. 9, p. 355.
 - Evidence as to names and ages of children of deceased.
English *v.* Southern Pac. R. Co. (Utah), vol. 4, p. 63.

DEATH BY WRONGFUL ACT DEATH BY WRONGFUL ACT

—Continued.

Of circumstances of surviving parent in action for death of parent.

Gulf, C. & S. F. Ry. Co. v. Younger (Tex.), vol. 8, p. 84.

Of surviving family.

Louisville & N. R. Co. v. Taafe (Ky.), vol. 15, p. 693.

Subsequent unchaste conduct of widow, in action for wrongful death of husband.

Kolb v. Union R. Co. (R. I.), vol. 21, p. 811.

That deceased left no estate.

Brunswick & W. R. Co. v. Wiggins (Ga.), vol. 22, p. 588.

To show number of children of deceased.

Felton v. Spiro (C. C. A.), vol. 10, p. 865.

Exemption from liability for death of messenger.

Pittsburg, C., C. & St. L. Ry. Co. v. Mahony (Ind.), vol. 8, p. 441.

Extraterritorial effect of Missouri statute giving right of action for.

Matheson v. Kansas City, Ft. S. & M. R. Co. (Kan.), vol. 17, p. 738.

Federal jurisdiction to enforce penal statute as to.

Perkins v. Boston & A. R. Co. (C. C. Mass.), vol. 13, p. 601.

Improper width of trucks in action for killing person near track.

Cederson v. Oregon R. & Nav. Co. (Ore.), vol. 22, p. 655.

In action to recover for death of person found dead, after a collision, in footpath habitually used by the public, as the company had notice, the question of negligence was for the jury.

Washington v. Missouri, K. & T. Ry. Co. of Texas (Tex.), vol. 11, p. 829.

Inspection of tracks.

Cox v. Chicago & N. W. Ry. Co. (Iowa), vol. 9, p. 604.

Instantaneous killing of person on track, statutory cause of action.

Matz v. Chicago & A. R. Co. (Mo.), vol. 10, p. 592.

—Continued.

Instruction as to measure of damages erroneous because overlooking expectation of widow's life, minority of children, marriage of daughter, and deceased's earning capacity.

Rouse v. Detroit Electric Ry. (Mich.), vol. 22, p. 650.

Insurance money, deduction from damages.

Tyler S. E. Railway Co. v. Rasberry (Tex.), vol. 3, p. 376.

Joinder of causes of action.

McVeay v. Illinois Central Railroad Co. (Miss.), vol. 3, p. 371.

Judicial knowledge of laws of sister state.

Ex parte Northeastern R. Co. (S. Car.), vol. 21, p. 100.

In re Mayo's Estate (S. Car.), vol. 21, p. 100.

Jurisdiction of Ohio courts where death occurred in Indiana.

Wabash R. Co. v. Fox (Ohio), vol. 21, p. 690.

Jurisdiction where death was inflicted in foreign state, existence of similar foreign statute.

Wabash R. Co. v. Fox (Ohio), vol. 21, p. 690.

Killing bicyclist at crossing.

Kimball v. Friend (Va.), vol. 8, p. 451.

Killing licensee on track.

Adams v. Southern Ry. Co. (C. C. A.), vol. 9, p. 747.

Liability for intentional killing by employee guarding property.

Lipscomb v. Houston & T. C. Ry. Co. (Tex.), vol. 23, p. 401.

Liability of railroad company for personal injury to shipper's employee resulting in death, where it had furnished a defective car for freight.

Savannah, etc., R. Co. v. Booth (Ga.), vol. 5, p. 612.

Limitations of actions.

Bachman v. Philadelphia & R. R. Co. (Pa.), vol. 13, p. 563.

Chesapeake & O. Ry. Co. v. Kelley (Ky.), vol. 13, p. 568.

DEATH BY WRONGFUL ACT DEATH BY WRONGFUL ACT

—Continued.

—Continued.

- Clare *v.* New York & N. E. Ry. Co. (Mass.), vol. 13, p. 569.
 Glover *v.* Savannah, F. & W. Ry. Co. (Ga.), vol. 13, p. 566.
 Hoover *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 13, p. 573.
 Western & A. R. Co. *v.* Bass (Ga.), vol. 11, p. 608.
 Limiting liability in pass on which deceased was traveling as affecting statutory action by widow and son.
 Adams *v.* Northern Pac. Ry. Co. (Wash.), vol. 15, p. 784.
 Petition in action for, must show that beneficiary had a pecuniary interest.
 Chicago, R. I. & P. Ry. Co. *v.* Young (Neb.), vol. 14, p. 343.
 Plaintiff cannot recover in an action for damages for the negligent killing of his intestate where it appears from the evidence that the death may have resulted from one of several possible causes, some of which were irreconcilable with the possibility of negligence on the part of defendant.
 Kenneson *v.* West End St. Ry. Co. (Mass.), vol. 9, p. 445.
 Pleading.
 Chicago, B. & O. R. Co. *v.* Bond (Neb.), vol. 15, p. 759.
 Nohrden *v.* Northeastern R. Co. (S. Car.), vol. 13, p. 557.
 Pleading negligence in action for wrongful death.
 Sims *v.* Western & A. R. Co. (Ga.), vol. 17, p. 756.
 Presence of wife and children at trial in action for death by wrongful act.
 Louisville & N. R. Co. *v.* Kelly (Ky.), vol. 7, p. 165.
 Presumption as to cause of death.
 Highland Ave. & B. R. Co. *v.* Swope (Ala.), vol. 13, p. 856.
 Presumption of due care on part of deceased.
 Cameron *v.* Great Northern Ry. Co. (N. Dak.), vol. 12, p. 520.
 McVey *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 13, p. 788.
 Presumption of negligence.
 Augusta Southern R. Co. *v.* McDade (Ga.), vol. 12, p. 548.
 Gammage *v.* Atlanta, etc., R. Co. (Ga.), vol. 5, p. 709.
 Sims *v.* Western & A. R. Co. (Ga.), vol. 17, p. 756.
 Strom *v.* Georgia, R. & B. Co. (Ga.), vol. 13, p. 849.
 Presumption of negligence in action for death of servant.
 Augusta Southern R. Co. *v.* McDade (Ga.), vol. 12, p. 548.
 Presumption of negligence where deceased was killed by train.
 St. Louis & S. F. Ry. Co. *v.* Townsend (Ark.), vol. 22, p. 123.
 Presumption that deceased exercised ordinary care.
 Dalton *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 460.
 Proof of husband's circumstances.
 Thoresen *v.* La Crosse City R. Co. (Wis.), vol. 6, p. 102.
 Punitive damages.
 Louisville & N. R. Co. *v.* Lansford (C. C. A.), vol. 18, p. 697.
 Punitive damages recoverable under Alabama statute.
 McGhee *v.* McCarley (C. C. A.), vol. 19, p. 216.
 Recovery for conscious suffering.
 St. Louis & S. F. Ry. Co. *v.* Dawson (Ark.), vol. 18, p. 30.
 Release by widow in consideration of benefits from relief department no bar to action by administrator.
 Cowen *v.* Ray (C. C. A.), vol. 21, p. 531.
 Remedy.
 State *v.* Maine Cent. R. Co. (Me.), vol. 8, p. 758.
 Repeal of Kentucky statute as to wilful negligence.
 Clark *v.* Louisville & N. R. Co. (Ky.), vol. 8, p. 355.

DEATH BY WRONGFUL ACT DEATH BY WRONGFUL ACT

—Continued.

Res judicata, whether recovery by personal representative of a wife for her wrongful death bars an action by the husband.

Louisville & N. R. Co. v. McElwain (Ky.), vol. 3, p. 309.

Right of action.

Chicago, B. & O. R. Co. v. Oyster (Neb.), vol. 12, p. 655.

McVey v. Illinois Cent. Railroad Co. (Miss.), vol. 3, p. 371.

Right of action by parent for killing of son.

Killian v. Southern Ry. Co. (N. Car.), vol. 22, p. 639.

Right of action for death of husband and father survives in widow and heirs.

Missouri, K. & T. Ry. Co. v. Elliott (Ind. Ter.), vol. 14, p. 587.

Right of railroad to object to appointment of an executor or administrator.

Missouri Pac. R. Co. v. Bennett's Estate (Kan.), vol. 7, p. 534.

Statutory right of action.

Louisville & N. R. Co. v. Williams (Ala.), vol. 9, p. 252.

Statutory right of action as an asset of estate.

Ex parte Northeastern R. Co. (S. Car.), vol. 21, p. 99.

In re Mayo's Estate (S. Car.), vol. 21, p. 99.

Survival of right of action for.

Missouri, K. & T. Ry. Co. v. Elliott (C. C. A.), vol. 18, p. 715.

St. Louis, I. M. & S. Ry. Co. v. Dawson (Ark.), vol. 18, p. 30.

Survival of right of action under Mich. Comp. Laws, 1897, sec. 10, p. 427.

Dolson v. Lake Shore, etc., Ry. Co. (Mich.), vol. 23, p. 387.

Whether departure in pleading in reply, in action for death on track.

Cederson v. Oregon R. & Nav. Co. (Ore.), vol. 22, p. 655.

—Continued.

Whether judge of relief department's certificate was an assignment of widow's right of action.

Cowen v. Ray (C. C. A.), vol. 21, p. 531.

Who May Recover.

Chattanooga Electric Ry. Co. v. Johnson (Tenn.), vol. 8, p. 758.

Action by next of kin.

Boyden v. Fitchburg R. Co. (Vt.), vol. 10, p. 523.

Action by representative.

Chicago, R. I. & P. Ry. Co. v. Young (Neb.), vol. 14, p. 343.

Ean v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 9, p. 475.

Action by widow.

Chicago, etc., R. Co. v. Mills (Kan.), vol. 7, p. 770.

Gross v. Electric Traction Co. (Pa.), vol. 6, p. 780.

Action for death of wife, proper plaintiff.

Chattanooga Electric Ry. Co. v. Johnson (Tenn.), vol. 8, p. 758.

Administrator of minor, negligence of father.

Consolidated Traction Co. v. Hone (N. J.), vol. 5, p. 679.

Administrator's right to maintain suit where county court set aside an order admitting a will to probate has been set aside by an agreement of all of the parties in interest.

Louisville & N. R. Co. v. Sander (Ky.), vol. 10, p. 528.

Capacity of New Hampshire administrator of person who had resided in Massachusetts to sue, statutes.

Boston & M. R. R. v. Hurd (C. C. A.), vol. 21, p. 674.

Mother's right of action for death of minor son where she has been abandoned by her husband.

Amos v. Atlanta Ry. Co. (Ga.), vol. 12, p. 857.

DEATH BY WRONGFUL ACT **DECLARATIONS—Continued.**

—Continued.

Next of kin, construction of Tennessee statute.

Freeman *v.* Illinois Cent. R. Co. (Tenn.), vol. 22, p. 49.

Next of kin, statute.

Atchison, T. & S. F. Ry. Co. *v.* Ryan (Kan.), vol. 21, p. 684.

No action at common law by father lies for instantaneous death of minor son.

Bligh *v.* Biddeford & S. R. Co. (Me.), vol. 22, p. 805.

No survival of action under Illinois statute.

Malott *v.* Shimer (Ind.), vol. 15, p. 774.

Parent must show her dependence on deceased child in order to recover for his death.

Augusta Southern R. Co. *v.* McDade (Ga.), vol. 12, p. 549.

Parent's right of action for death of minor where deceased was serving penal sentence at time of injury.

Amos *v.* Atlanta Ry. Co. (Ga.), vol. 12, p. 857.

Parent's right of recovery for death of minor servant.

Middle Georgia & A. R. Co. *v.* Barnett (Ga.), vol. 12, p. 532.

Personal representative's right of action.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Hosea (Ind.), vol. 14, p. 692.Pittsburg, C., C. & St. L. Ry. Co. *v.* Moore (Ind.), vol. 14, p. 678.

Wife's right of action where husband has released claims for his injury.

Hill *v.* Pennsylvania R. Co. (Pa.), vol. 8, p. 229.**DECLARATIONS.***See Death by Wrongful Act. Evidence.**Master and Servant. Res Gestæ.***Conductor.**Barker *v.* St. Louis, I. M. & S. R. Co. (Mo.), vol. 2, p. 157.Louisville & Nashville R. Co. *v.* Ellis (Ky.), vol. 2, p. 132.

Evidence of declaration of deceased agent.

Missouri, K. & T. Ry. Co. *v.* Byrne (Ind. Ter.), vol. 13, p. 17.

If the judge is satisfied that the declarations of the deceased police officer were made in good faith they are admissible in action for illegal arrest of passenger.

Dixon *v.* New England R. R. (Mass.), vol. 22, p. 10.

Self-disserving declaration of decedent, in action to recover for injury alleged to have caused his death, is not conclusive against plaintiff.

Camden & A. R. Co. *v.* Williams (N. J. App.), vol. 11, p. 600.**DEDICATION.***See Highways.**Railroads in Streets.*

Dedication of railroad land to public use.

Frankford, etc., R. Co. *v.* Philadelphia (Pa. St.), vol. 4, p. 265.

Implied dedication of crossing over railway in street.

Evansville & T. H. R. Co. *v.* State, Town of Ft. Branch (Ind.), vol. 11, p. 278.

Right of railroad company to hold land by dedication.

Gulf, C. & S. F. Ry. Co. *v.* Milam County (Tex.), vol. 7, p. 780.

Where a person who dedicates land to public use as a highway, in such dedication, reserves to himself and his assigns the right to construct and operate a railroad therein, the public takes the highway cum onere.

Tallon *v.* Mayor, etc., of City of Hoboken (N. J.), vol. 7, p. 545.

Whether railroad can acquire land by dedication.

Southern Ry. Co. *v.* Standiford (Ky.), vol. 20, p. 154.

Whether the leaving of strips of land on either side of the depot open to the public, amounts to a dedication.

City of Chicago *v.* Chicago, Rock Island, etc., R. Co. (Ill.), vol. 1, p. 1.

DEEDS.*See Conditions.**Evidence.**Right of Way.*

Deeds of correction and confirmation.

Pittsburgh, C., C. & St. L. Ry. Co. *v.* Beck (Ind.), vol. 13, p. 353.

Description of premises.

Pittsburgh, C., C. & St. L. Ry. Co. *v.* Beck (Ind.), vol. 13, p. 353.

Parol evidence to explain intent of.

Abraham *v.* Oregon & C. R. Co. (Ore.), vol. 17, p. 250.

Provisions construed to be covenants and not conditions, subsequent.

King *v.* Norfolk & W. Ry. Co. (Va.), vol. 23, p. 701.

Sufficiency of description of land.

Louisville & N. R. Co. *v.* Webster (Tenn.), vol. 22, p. 410.**DEFECTIVE APPLIANCES.***See Master and Servant.***DEFECTS.***See Bridges.**Burden of Proof.**Master and Servant.***DEFENDANTS.***See Master and Servant.**Pleading.***DEFENSES.**

Defense eliminated from case by changing its theory, in action for ejection from train.

Merrieles *v.* Wabash R. Co. (Mo.), vol. 22, p. 158.

Violation of interstate commerce law, if a defense, must be pleaded.

Missouri, K. & T. Ry. Co. *v.* Bagley (Kan.), vol. 13, p. 259.**DELAY IN SHIPMENT OF GOODS.***See Carriers of Goods.***DELEGATION OF POWER.**

Power of railroad company to delegate its charter rights.

Sanford *v.* Pawtucket Street Ry. Co. (R. I.), vol. 4, p. 318.**DELIVERY.***See Baggage.**Bills of Lading.**Carriers of Goods.**Connecting Carriers.*

Cotton destroyed by fire.

Amory Mfg. Co. *v.* Gulf, C. & S. F. Ry. Co. (Tex.), vol. 8, p. 472.

Payment of freight charges advanced to connecting carriers on another shipment as condition precedent to delivery.

Robinson *v.* Dover, etc., R. Co. (Ga.), vol. 8, p. 753.

Proper point of delivery, question for jury.

Louisville, etc., R. Co. *v.* Bernheim (Ala.), vol. 8, p. 754.**DEMURRERS.***See Evidence.**Pleading.*

Declaration in action to recover for injuries to live stock, defective in not averring compliance with condition precedent in contract.

Baxter *v.* Louisville, N. A. & C. Ry. Co. (Ill.), vol. 6, p. 618.Demurrer to evidence, deceased killed on track where employees could have seen him for 2,000 feet. Conflicting evidence as to signals, demurrer to evidence overruled. Chamberlain *v.* Missouri Pacific Railway Co. (Mo.), vol. 3, p. 401.

Effect of.

Kird *v.* New Orleans, etc., R. Co. (La.), vol. 20, p. 930.

Effect of demurrer to special plea in which contract is set up as defense on admissibility of contract under general issue.

Blank *v.* Illinois Cent. R. Co. (Ill.), vol. 16, p. 6.

In action for negligence.

Louisville & N. R. Co. *v.* Hine (Ala.), vol. 14, p. 382.

Motion to dismiss in effect a demurrer.

Whitley *v.* Southern Ry. Co. (N. Car.), vol. 12, p. 210.

Sufficiency of demurrer to evidence.

Artenberry *v.* Southern Ry. Co. (Tenn.), vol. 15, p. 847.

DEPARTURE.

See Death by Wrongful Act.

DEPENDENCE.

See Death by Wrongful Act.

DEPOSITIONS.

See Evidence.

DEPOTS.

*See Fences.
Stations.*

DERAILMENT.

*See Carriers of Passengers.
Master and Servant.
Negligence.*

Snow slide.

Denver & R. G. R. Co. v.
Pilgrim (Colo.), vol. 8, p.
249.

DERRICKS.

Derrick rope falling on track.
Forrest v. Philadelphia, etc.,
R. Co. (Pa. St.), vol. 4, p.
256.

DIAGRAMS.

See Evidence.

**DIFFERENT DEPARTMENT
RULE.**

See Fellow Servants.

DIRECTION OF VERDICT.

See Evidence.

Haner v. Northern Pac. Ry.
Co. (Idaho), vol. 19, p. 628.

Contributory negligence.

Henderson v. Detroit Citi-
zens' St. Ry. Co. (Mich.),
vol. 10, p. 812.

Credibility of evidence, ques-
tion for jury.

Gwyn Harper Mfg. Co. v.
Carolina Cent. R. Co. (N.
Car.), vol. 21, p. 429.

Louisville & N. R. Co. v.
Stewart (Ala.), vol. 21, p. 34.

Death by wrongful act.

Louisville & N. R. Co. v.
Vittitoe (Ky.), vol. 8, p. 666.

Discretion of court.

Pennsylvania R. Co. v. Mar-
tin (C. C. A.), vol. 23, p.
449.

Error in giving peremptory
instructions.

Dick v. Louisville & N. R.
Co. (Ky.), vol. 23, p. 71.

Federal courts' rule.

Hodges v. Kimball (C. C.
A.), vol. 19, p. 755.

**DIRECTION OF VERDICT—
Continued.**

Injury from surface water.

Kansas City, etc., R. Co. v.
Williams (Ind. Ter.), vol.
19, p. 361.

Peremptory instruction should
be refused where evidence is
conflicting.

Louisville & N. R. Co. v.
Quick (Ala.), vol. 20, p.
25.

Plaintiff's testimony that he
stopped, looked and listened,
held unworthy of credit in
view of the fact that the
train would have been plainly
visible for a long distance.

Northern Cent. Ry. Co. v.
Medairy (Ind.), vol. 7, p.
526.

Properly refused.

Mexican Cent. Ry. Co., Lim-
ited, v. Glover (C. C. A.),
vol. 21, p. 272.

Truth of evidence.

Coley v. North Carolina R.
Co. (N. Car.), vol. 23, p.
885.

Verdict should not be directed
when there are disputable
questions upon which the
verdict may depend.

Black v. Middle Georgia &
A. Ry. Co. (Ga.), vol. 12,
p. 569.

Verdict was properly directed
for master where employees'
contributory negligence in
unnecessarily cleaning en-
gine at end of trip without
waiting for inspection was
proximate cause of injury,
and master was not negli-
gent.

Patton v. Texas & Pac. Ry.
Co. (U. S.), vol. 20, p. 48.

Waiver of objection to refusal
to take case from jury.

New York, etc., R. Co. v.
Jones (Md.), vol. 23, p.
528.

DIRECTORS.

See Officers.

Government directors.

Union Pac. Ry. Co. v. Chi-
cago, etc., R. Co. (U. S.),
vol. 6, p. 3.

Ratification of corporate con-
tract by board of directors.

Union Pac. Ry. Co. v. Chi-
cago, etc., R. Co. (U. S.),
vol. 6, p. 3.

DISCHARGE LIST.

*See Carriers of Passengers.
Master and Servant.*

DISCHARGING PASSENGERS.

See Stations and Depots.

DISCRETIONARY POWERS.

See Municipal Officers.

DISCRETION OF COURT.

*See Evidence.
Separate Trials.*

Story *v.* Concord & M. R. R.
(N. H.), vol. 20, p. 90.

DISCRIMINATION.

*See Carriers of Freight.
Connecting Carriers.
Express Companies.
Foreign Cars.*

DISEASED CATTLE.

*See Carriers of Live Stock.
Federal Questions.
Interstate Commerce.*

DITCHES.

See Eminent Domain.

Authority of county commissioners as to construction of.
Northern Ohio Ry. Co. *v.*
Com'rs (Ohio), vol. 18, p. 767.

DIVERSE CITIZENSHIP.

See Jurisdiction.

DIVISION FENCES.

See Fences.

DOCUMENTARY EVIDENCE.

See Interstate Commerce Commission.

DOGS.

*See Animals.
Carriers of Passengers.*

Gregory *v.* Chicago, etc.,
Ry. Co. (Iowa), vol. 6, p. 774.

Liability of railroad company for killing dogs.

Richardson *v.* Florida Cent. & P. R. Co. (S. Car.), vol. 15, p. 575.

St. Louis S. W. Ry. Co. *v.* Stanfield (Ark.), vol. 8, p. 115.

DRAINS.

Obstruction of drain by a railroad.

St. Louis, etc., R. Co. *v.* Anderson (Ark.), vol. 5, p. 637.

Right of railway.

Beach *v.* Wilmington & W. R. Co. (N. Car.), vol. 9, p. 158.

DRAINS AND SEWERS.

See Railroad Right of Way.

DRAWEE.

See Pay Checks.

DRUNKENNESS.

*See Carriers of Passengers.
Contributory Negligence.*

Contributory negligence.

Kingston *v.* Ft. Wayne & E. Ry. Co. (Mich.), vol. 9, p. 259.

Missouri, etc., R. Co. *v.* McGlamory (Tex.), vol. 5, p. 696.

Trumbull *v.* Erickson (C. C. A.), vol. 17, p. 93.

Injury to third person through ejection of drunken person from station.

Gray *v.* Boston & M. R. R. (Mass.), vol. 8, p. 481.

Liability for injury to drunken trespasser on track.

Price *v.* Philadelphia, W. & B. R. Co. (Md.), vol. 7, p. 115.

Liability of company for death of intoxicated passenger after expulsion from train.

Louisville & Nashville R. Co. *v.* Ellis (Ky.), vol. 2, p. 132.

DUE PROCESS OF LAW.

See Constitutional Law.

Due notice to the owner of condemnation proceedings and his appearing in court and defending such proceedings do not show that such condemnation was held by due process of law, due process of law requiring compensation for private property taken for public use.

Chicago, B. & O. R. Co. *v.* City of Chicago (U. S.), vol. 7, p. 26.

DUE PROCESS OF LAW— EJECTMENT.*Continued.***Elevators.**

Missouri Pac. R. Co. v. State of Nebraska, Board of Transportation (U. S.), vol. 6, p. 157.

Meaning of the term.

Chicago, B. & Q. R. Co. v. State, City of Omaha (Neb.), vol. 3, p. 573.

Nominal compensation.

Chicago, B. & Q. R. Co. v. City of Chicago (U. S.), vol. 7, p. 26.

DWELLING HOUSE.

Condemnation of dwelling house.

State v. Mayor of New Brunswick (N. J.), vol. 3, p. 170.

DYNAMITE.

See Vice Principals.

EASEMENTS.

See Contracts.

Eminent Domain.

Railroads in Streets.

Right of Way.

Street Railways.

Right of railway to drainage.

Beach v. Wilmington & W. R. Co. (N. Car.), vol. 9, p. 158.

Right of subsequent grantee.

Lyon v. Hammond & B. I. R. Co. (Ill.), vol. 9, p. 337.

Rathbun v. New York, N. H. & H. R. Co. (R. I.), vol. 9, p. 333.

Right to lay water pipes on land of grantor.

Montana Ore Purchasing Co. v. Boston & M. Consol. Copper & Silver Min. Co. (Mont.), vol. 10, p. 754.

Use of railroad embankment as reservoir dam.

Montana Ore Purchasing Co. v. Boston & M. Consol. Copper & Silver Min. Co. (Mont.), vol. 10, p. 754.

Verbal contract by railroad to maintain switch for benefit of shipper.

Warner v. Texas & P. R. Co. (U. S.), vol. 6, p. 696.

See Eminent Domain.

Real Estate.

Right of Way.

Damages recoverable in ejectment against railroad company.

Fish v. Chicago, etc., Ry. Co. (Minn.), vol. 23, p. 409.

Issues.

Gray v. Chicago, M. & St. P. R. Co. (Ill.), vol. 21, p. 252.

Sufficiency of evidence as to location of plaintiff's premises in action in ejectment against railroad company.

Fish v. Chicago, etc., Ry. Co. (Minn.), vol. 23, p. 409.

ELECTION.

Eminent domain.

Fries v. Wheeling & L. E. Ry. Co. (Ohio), vol. 6, p. 489.

ELECTRICITY.

Care required in using.

Macon v. Paducah St. Ry. Co. (Ky.), vol. 22, p. 614.

ELECTRIC RAILWAYS.

See Abutters.

Crossings.

Gross Negligence.

Master and Servant.

Street Railways.

Wires.

Abutting owners, erection of poles in street.

State (Roebbling, Prosecutrix) v. Trenton Passenger Railway Co., Consolidated (N. J.), vol. 4, p. 392.

Acquiescence of municipality in change of motive power.

Potter v. Scranton Traction Co. (Pa.), vol. 4, p. 307.

Care required of company in construction and operation of appliances for use of electricity.

McAdam v. Central Ry. & Electric Co. (Conn.), vol. 5, p. 7.

Care to be exercised by electric railway company to isolate their wires.

Atlanta Consol. St. Ry. Co. v. Owings (Ga.), vol. 5, p. 1.

Change of motive power does not per se create additional easement.

State (Roebbling, Prosecutrix), v. Trenton Passenger Ry. Co., Consolidated (N. J.), vol. 4, p. 392.

EJECTION.

See Carriers of Passengers.

Damages.

Right of Way.

Tickets and Fares.

Trespassers.

ELECTRIC RAILWAYS—Continued.

Dangerous wires, instructions as to negligence.

Atlanta Consolidated St. Ry. Co. *v.* Owings (Ga.), vol. 5, p. 1.

Death caused by contact of company's wire with wire of another corporation.

Atlanta Consolidated St. Ry. Co. *v.* Owings (Ga.), vol. 5, p. 1.

Duty of motorman.

Galbraith *v.* West End St. R. Co. (Mass.), vol. 3, p. 628.

Hall *v.* Ogden City St. Ry. Co. (Utah), vol. 4, p. 77.

Electric railway a "railroad."
Louisville & N. R. Co. *v.* Anchors (Ala.), vol. 11, p. 657.

Evidence of negligence of motorman.

Thompson *v.* Salt Lake Rapid Transit Co. (Utah), vol. 10, p. 563.

Evidence of previous breakages of trolley wire.

Railroad Co. *v.* Rogers (Va.), vol. 3, p. 653.

Law of the road.

Galbraith *v.* West End St. R. Co. (Mass.), vol. 3, p. 628.

Liability for injuries by contact with wires.

City Electric Street Ry. Co. *v.* Conery (Ark.), vol. 3, p. 365.

Obstruction of track of street railroad by carriage.

Camden, etc., R. Co. *v.* Preston (N. J.), vol. 5, p. 616.

Paramount right of street railway company to use of street.

Potter *v.* Scranton Traction Co. (Pa.), vol. 4, p. 307.

Right of company to use electricity as motive power.

Green *v.* City Suburban Ry. Co. (Md.), vol. 1, p. 198.

Right to cross tracks.

Galbraith *v.* West End St. R. Co. (Mass.), vol. 3, p. 628.

Speed of train.

Galbraith *v.* West End St. R. Co. (Mass.), vol. 3, p. 628.

Where person is burnt upon foot by an electric current and falls to the ground, his death may be asserted to oc-

ELECTRIC RAILWAYS—Continued.

cur from the electric current.
Atlanta Consolidated St. Ry. Co. *v.* Owings (Ga.), vol. 5, p. 1.

ELEVATED RAILROADS.

See Carriers of Passengers. Street Railways.

Abutters.

Hunter *v.* Manhattan Ry. Co. (N. Y.), vol. 1, p. 366.

Lake Roland Elevated R. Co. *v.* Webster (Md.), vol. 1, p. 360.

Consent of abutting owners to construction of road.

White *v.* Manhattan Railway Co. (N. Y.), vol. 1, p. 351.

Right to compensation.

Philips *v.* Philadelphia & R. T. R. Co. (Pa.), vol. 10, p. 706.

Rights of abutters.

Metropolitan W. S. El. R. Co. *v.* Springer (Ill.), vol. 9, p. 731.

Action for personal injuries by broken bolt falling from structure.

Volkmar *v.* Manhattan R. Co. (N. Y.), vol. 1, p. 453.

Assessment of stock.

Robbins *v.* Magoun (Iowa), vol. 7, p. 783.

Boarding crowded car.

Graham *v.* Manhattan R. Co. (N. Y.), vol. 4, p. 260.

Care due persons boarding car.

Barth *v.* Kansas City El. Ry. Co. (Mo.), vol. 10, p. 281.

Compensation to municipality for use of streets.

Mayor, etc., *v.* Manhattan Ry. Co. (N. Y.), vol. 1, p. 409.

Condemnation of alley.

Metropolitan W. S. El. R. Co. *v.* Springer (Ill.), vol. 9, p. 731.

Consent given to construction of road in street by one member of firm.

White *v.* Manhattan Ry. Co. (N. Y.), vol. 1, p. 351.

Construction and operation.

Doane *v.* Lake St. El. R. Co. (Ill.), vol. 7, p. 781.

Construction of Pennsylvania act authorizing railroads to elevate or depress tracks.

Potts *v.* Quaker City Elevated R. Co. (Pa.), vol. 1, p. 401.

ELEVATED RAILROADS—

Continued.

Eminent Domain.

Garrett *v.* Lake Roland Elevated Ry. Co. (Md.), vol. 1, p. 385.

Hunter *v.* Manhattan Ry. Co. (N. Y.), vol. 1, p. 366.

In re Metropolitan El. R. Co. (N. Y.), vol. 1, p. 349.

Oberfelder *v.* Metropolitan El. R. Co. (N. Y.), vol. 1, p. 348.

Philips *v.* Philadelphia & R. T. R. Co. (Pa.), vol. 10, p. 706.

Tudor *v.* Chicago & Southside Rapid Transit R. Co. (Ill.), vol. 1, p. 340.

Grant to corporation unauthorized to maintain railroad.

Potts *v.* Quaker City Elevated R. Co. (Pa.), vol. 1, p. 401.

Injunction.

Absence of actual damages.

O'Reilly *v.* New York El. R. Co. (N. Y.), vol. 3, p. 432.

Injunction by abutting owner.

Doane *v.* Lake St. El. R. Co. (Ill.), vol. 7, p. 781.

Measure of damages.

Hunter *v.* Manhattan Ry. Co. (N. Y.), vol. 1, p. 366.

Lake Roland El. R. Co. *v.* Webster (Md.), vol. 1, p. 360.

Municipal authority to grant right of way, restriction upon company.

Tudor *v.* Chicago & Southside Rapid Transit R. Co. (Ill.), vol. 1, p. 340.

Noncompliance with conditions of New York rapid transit act.

In re Atlantic Ave. El. R. Co. (N. Y.), vol. 1, p. 364.

Nuisances.

Garrett *v.* Lake Roland Elevated R. Co. (Md.), vol. 1, p. 385.

Open gates as an invitation to the public.

Barth *v.* Kansas City El. Ry. Co. (Mo.), vol. 10, p. 281.

Release by abutting owner.

Wood *v.* Metropolitan El. Ry. Co. (N. Y.), vol. 6, p. 788.

Resulting benefits.

Sutro *v.* Manhattan R. Co. (N. Y.), vol. 1, p. 374.

Use of streets.

Doane *v.* Lake St. El. R. Co. (Ill.), vol. 7, pp. 781, 782.

ELEVATED RAILROADS—

Continued.

Whether street railroads.

Freiday *v.* Sioux City R. T. Co. (Iowa), vol. 1, p. 408.

Potts *v.* Quaker City El. R. Co. (Pa.), vol. 1, p. 401.

ELEVATORS.

See Carriers of Freight.

Constitutional Law.

Eminent Domain.

Fires.

Local Assessments.

Constitutional Law.

An order of the state board of transportation under the provisions of the act of March 31, 1887, entitled "an act to regulate railroads and prevent unjust discrimination," etc., which requires a railroad company to surrender a portion of its right of way, for an elevator site, to a person or corporation engaged in the buying and selling of grain, contemplates the taking of property for mere private use, within the prohibition of the United States constitution, and is accordingly without authority and void.

Chicago, B. & Q. R. Co. *v.*

State Board of Transportation (Neb.), vol. 7, p. 349.

Missouri Pac. R. Co. *v.* State of Nebraska ex rel. Board of Transportation (U. S.), vol. 6, p. 157.

Due process of law.

Missouri Pac. R. Co. *v.* State of Nebraska ex rel. Board of Transportation (U. S.), vol. 6, p. 157.

Eminent domain.

Missouri Pac. R. Co. *v.* State of Nebraska ex rel. Board of Transportation (U. S.), vol. 6, p. 157.

Injuries to employee through defective elevator.

McNee *v.* Coburn Trolley Track Co. (Mass.), vol. 10, p. 765.

Liability of railroad company for loss by fire of grain in elevator.

Cox *v.* Vermont Cent. R. Co. (Mass.), vol. 9, p. 591.

Watchman.

Cox *v.* Vermont Cent. R. Co. (Mass.), vol. 9, p. 591.

EMINENT DOMAIN.*See Abutters.**Consolidation of Railroads.**Constitutional Law.**Damages.**Railroads.**Railroads in Streets.**Right of Way.**Water and Watercourses.***Abandonment of Condemnation Proceedings.***Fischer v. Catawissa R. Co. (Pa. St.), vol. 4, p. 310.*

After award of damages.

Bellingham Bay & British Columbia R. Co. v. Strand (Wash.), vol. 3, p. 171.

Waiver of.

*Bellingham Bay & British Columbia R. Co. v. Strand (Wash.), vol. 3, p. 171.***Abutters.**

Action by abutter for damages from construction of railway.

Taylor v. Bay City Street Ry. Co. (Mich.), vol. 1, p. 165.

Measure of damages in action by abutter.

*Chesapeake & O. Ry. Co. v. Kobs (Ky.), vol. 1, p. 64.**Griffin v. Jacksonville T. & K. W. R. Co. (Fla.), vol. 1, p. 64.**Johnson v. Old Colony R. Co. (R. I.), vol. 1, p. 63.**Maysville & B. S. Ry. Co. v. Conner (Ky.), vol. 1, p. 63.**Maysville & B. S. R. Co. v. Ingram (Ky.), vol. 1, p. 63.**Wolff v. Georgia & F. R. Co. (Ga.), vol. 1, p. 64.*

Right of abutting owner where railroad is in streets.

Atchison T. & S. F. R. Co. v. Davidson (Kan.), vol. 1, p. 61.

Right of landowner in condemnation proceedings.

Kansas, etc., R. Co. v. Phipps (Kan. App.), vol. 5, p. 698.

Acquiescence in void condemnation proceedings.

*Allen v. Colorado Cent. R. Co. (Colo.), vol. 3, p. 446.***Additional Servitude.**Additional servitude, test of.
*Gustason v. Hamm (Minn.), vol. 1, p. 43.***EMINENT DOMAIN—Cont'd.**

Change of motive power does not per se create additional easement.

State (Roebeling, Prosecutrix), v. Trenton Passenger Ry. Co., Consolidated (N. J.), vol. 4, p. 392.

Distinction between misuse and appropriation.

Union Pac. R. Co. v. Foley (Colo.), vol. 1, p. 62.

Electric street railroads.

*Cumberland Telegraph & Tel. Co. v. United El. Ry. Co. (Tenn.), vol. 1, p. 295.**Green v. City & Suburban R. Co. (Md.), vol. 1, p. 323.**Limburger v. San Antonio R. T. Co. (Tex.), vol. 1, pp. 323, 324.**State v. Mayor, etc., of Jersey City (N. J.), vol. 1, p. 322.**Texas P. Ry. Co. v. Rosedale St. Ry. Co. (Tex.), vol. 1, p. 323.**West Jersey R. Co. v. Camden G. & W. Ry. Co. (N. J.), vol. 1, p. 322.*

Private steam railway in street.

Gustafon v. Hamm (Minn.), vol. 1, p. 45.

Public street, compensation.

Willamette Iron Works v. Oregon Ry. & Navigation Co. (Ore.), vol. 1, p. 36.

Public streets, what is an additional servitude.

Willamette Iron Works v. Oregon Ry. & Navigation Co. (Ore.), vol. 1, p. 36.

Trolley poles and wires as elements of additional servitude.

West Jersey Co. v. Camden G. & W. R. Co. (N. J.), vol. 1, p. 325.

Whether carrying freight by street railroads is an additional servitude.

*Montgomery v. Santa Ana & W. R. Co. (Cal.), vol. 1, p. 44.***Alien Stockholders.**

Exercise of right by corporation whose stock is owned by aliens.

Northwestern Tel. Exch. Co. v. Chicago, M. & St. P. Ry. Co. (Minn.), vol. 13, p. 449.

EMINENT DOMAIN—*Cont'd.*

Amendment of pleading.

Bigelow *v.* Draper (N. Dak.),
vol. 7, p. 771.

Amount of damages, province of
jury.

Davis *v.* Northwestern El.
Ry. Co. (Ill.), vol. 9, p. 452.

Appeal.

Chicago, K. & W. R. Co. *v.*
Butts (Kan.), vol. 3, p. 30.

Conclusiveness of confirmation
of commissioner's reports.

Matter of Southern Boul-
vard R. Co. (N. Y.), vol.
3, p. 30.

Conclusiveness of judgment.

Atchison & N. R. Co. *v.*
Boerner (Neb.), vol. 3, p. 135.

Conclusiveness of report of
commissioners.

C. G. Larned Mercantile
Real Estate & Live Stock
Co. *v.* Omaha, Hutchison &
Gulf R. Co. (Kan.), vol. 3,
p. 23.

Conclusiveness of verdict.

Saginaw T. & H. R. Co. *v.*
Bordner (Mich.), vol. 3, p.
29.

Conclusiveness of verdict in
fixing damages.

New Orleans, Ft. J. & G. I.
R. R. *v.* McNeeley (La.),
vol. 3, p. 135.

Form of judgment on appeal.

Florence E. D. & W. V. R.
Co. *v.* Lilley (Kan.), vol.
3, p. 31.

From order dismissing pro-
ceedings to condemn lands.

Jacksonville, T. & K. W. R.
Co. *v.* Adams (Fla.), vol.
3, p. 30.

Review of decision by com-
missioners as to their au-
thority to make award.

Matter of Southern Boul-
vard R. Co. (N. Y.), vol. 3,
p. 31.

United States supreme court,
review by of determination
of state court as to what
constitutes a taking of land.

Marchant *v.* Pennsylvania
R. Co. (U. S.), vol. 3, p. 31.

Appointment of city commis-
sioners by circuit judge.

City of Terre Haute *v.*
Evansville, etc., R. Co.
(Ind.), vol. 8, p. 760.

Appointment of commissioners.

State *v.* Ocean City R. Co. (N.
J.), vol. 10, p. 421.

EMINENT DOMAIN—*Cont'd.*

Appropriation of land by consent
of owner.

Fries *v.* Wheeling & L. E. R.
Co. (Ohio), vol. 6, p. 489.

Appropriation of land devoted to
prior public use.

Northwestern Tel. Exch. Co.
v. Chicago M. & St. P. Ry.
Co. (Minn.), vol. 13, p. 449.

Appropriation of land devoted to
prior public use cannot be
made unless necessity there-
for is shown.

Northwestern Tel. Exch. Co.
v. Chicago, M. & St. P. Ry.
Co. (Minn.), vol. 13, p. 450.

Attack on corporate existence.

Wellington & P. R. Co. *v.*
Cashie & C. R. & L. Co.
(Tex.), vol. 3, p. 29.

Attendance of circuit judge,
Michigan statute.

Railway Co. *v.* Dunlap (Mich.),
vol. 3, p. 135.

Averment of ownership of land.

Thomas *v.* St. Louis, etc., Ry.
Co. (Ill.), vol. 8, p. 760.

Benefits.

Metropolitan West Side El-
evated Ry. Co. *v.* Stickney
(Ill.), vol. 3, p. 147.

Benefits arising from extra
facilities of transit or rail-
road privilege.

Lyon *v.* Hammond & B. I.
R. Co. (Ill.), vol. 9, p. 337.

Benefits to railroad at high-
way crossings.

Hook *v.* Chicago & A. R. Co.
(Mo.), vol. 3, p. 447.

General benefits.

Metropolitan West Side El-
evated Ry. Co. *v.* Stickney
(Ill.), vol. 3, p. 147.

Set off of benefits against
damages.

Lake Shore & Michigan
Southern Ry. Co. *v.* Balti-
more & Ohio & Chicago R.
Co. (Ill.), vol. 3, p. 57.

Metropolitan West Side El-
evated Ry. Co. *v.* Stick-
ney (Ill.), vol. 3, p. 147.

Special benefits.

Lake Shore & Michigan
Southern Ry. Co. *v.* Balti-
more & Ohio & Chicago R.
Co. (Ill.), vol. 3, p. 57.

Metropolitan West Side
Elevated Ry. Co. *v.*
Stickney (Ill.), vol. 3, p.
147.

EMINENT DOMAIN—Cont'd.

- Special benefits, what are.
 St. Louis, O. H. & C. Ry.
 Co. v. Fowler (Mo.), vol.
 10, p. 405.
- Bridges, license to road to build
 piers on land.
 Pennsylvania, Poughkeepsie,
 etc., R. Co. v. Trimmer (N.
 J.), vol. 3, p. 137.
- Bridges, unauthorized con-
 struction by predecessor of
 piers for bridge, value of
 such piers as element of dam-
 ages.
 Pennsylvania, Poughkeepsie,
 etc., R. Co. v. Trimmer (N.
 J.), vol. 3, p. 137.
- Canadian railway act.
 Atlantic & N. W. R. Co. v.
 Wood (Ont. App.), vol.
 3, p. 135.
- Company may determine
 necessity of exercising the
 power to appropriate land
 under Sand. & H. Dig. §
 6175.
- McKennon v. St. Louis, I. M.
 & S. Ry. Co. (Ark.), vol.
 21, p. 527.
- Complete railroad, additional
 condemnation.
 Crandall v. Des Moines, N. &
 W. R. Co. (Iowa), vol. 9, p.
 420.
- Condemnation for prospective
 necessities.
 State v. National Docks, etc.,
 R. Co. (N. J.), vol. 3, p. 26.
- Condemnation of land of cor-
 poration.
 American, etc., Nav. Co. v.
 N. Y., etc., R. Co. (N. J.),
 vol. 8, p. 759.
- Condemnation of property
 devoted to public use for sec-
 ond public use.
 City of Terre Haute v. Evans-
 ville, etc., R. Co. (Ind.),
 vol. 8, p. 760.
- Condemnation of right of way
 for telegraph line, burden of
 proof as to necessity for tak-
 ing.
 Savannah, etc., Ry. Co. v.
 Postal Tel. Cable Co. (Ga.),
 vol. 20, p. 917.
- Condemnation of tracts.
 Foster v. Chicago, R. I. & T.
 Ry. Co. (Tex.), vol. 3, p. 1.
- Consideration for donation of
 land by county.
 Roberts v. Northern Pac. R.
 Co. (U. S.), vol. 3, p. 106.

EMINENT DOMAIN—Cont'd.

- Consolidation does not abate
 condemnation proceedings.
 Day v. New York, S. & W. R.
 Co. (N. J.), vol. 4, p. 313.
- Consolidation of railroads as
 affecting limitation of action
 in condemnation proceed-
 ings.
 Kansas City, W. & N. W. R.
 Co. v. Way (Kan.), vol. 13,
 p. 363.

Constitutional Law.

- Constitutionality of Califor-
 nia statute allowing costs on
 new trial on failure to ob-
 tain greater compensation.
 Los Angeles P. & G. R.
 Co. v. Rumpp (Cal.), vol.
 3, p. 136.
- Constitutionality of Florida
 act.
 Jacksonville, T. & K. W.
 R. Co. v. Adams (Fla.),
 vol. 3, p. 27.
- Constitutionality of Florida
 act of Feb. 12, 1887.
 Jacksonville, T. & K. W.
 R. Co. v. Adams (Fla.),
 vol. 3, p. 24.
- Constitutionality of statute
 authorizing the taking of
 land to abolish grade cross-
 ing.
 Wheeler v. New York, etc.,
 R. Co. (U. S.), vol. 20,
 p. 143.
- Constitutionality of statute
 not providing for appeal
 from award of assessors.
 Savannah, etc., Ry. Co. v.
 Postal Tel. Cable Co.
 (Ga.), vol. 20, p. 917.
- Legislative power to amend
 charter does not authorize
 confiscation of property.
 In re Opinion of the Jus-
 tices (N. H.), vol. 3, p.
 447.

Costs.

- Cost of taking out letters of
 administration.
 In re Lloyd (Eng.), vol. 5,
 p. 698.
- Costs on new trial.
 Los Angeles P. & G. R.
 Co. v. Rumpp (Cal.),
 vol. 3, p. 137.
- Recovery of expenses of liti-
 gation.
 Andrus v. Bay Creek Ry.
 Co. (N. J.), vol. 6, p.
 780.

EMINENT DOMAIN—Cont'd.

- County road over right of way.
- Gulf, C. & S. F. Ry. Co. *v.*
- Milam County (Tex.), vol.
- 7, p. 780.

Crossings.

- Crossing by one railroad over another.
- Union Terminal R. Co. *v.*
- Board of R. Commissioners (Kan.), vol. 3, p. 72.
- Highway crossing, measure of damages.
- Richmond N., I. & B. R. Co. *v.* Estill Co. (Ky.), vol. 13, p. 365.
- Railroad's right to compensation where highway constructed across its railway.
- Chicago, M. & St. P. Ry. Co. *v.* City of Milwaukee (Wis.), vol. 9, p. 537.
- Paterson N. & N. Y. R. Co. *v.* Mayor, etc., of City of Newark (N. J.), vol. 10, p. 182.
- Street crossing through section house on right of way.
- Illinois Cent. R. Co. *v.* Town of Normal (Ill.), vol. 13, p. 367.

Damages.

- City of Terre Haute *v.* Evansville, etc., R. Co. (Ind.), vol. 8, p. 760.
- Lake Erie & W. R. Co. *v.* Comm'rs (Ohio), vol. 18, p. 765.
- Admissibility of evidence of cost of burning grass from right of way caused by erection of telegraph poles, in action for condemnation of railroad right of way for telegraph line.
- Postal Tel. Cable Co. of Utah *v.* Oregon S. L. R. Co. (Utah), vol. 22, p. 273.
- Admissibility of report of commissioners where reassessment.
- Kansas City, etc., Ry. Co. *v.* McElroy (Mo.), vol. 22, p. 397.
- Are to be assessed as of the date of the proceedings.
- Louisville, etc., R. Co. *v.* Hopson (Miss.), vol. 4, p. 256.

EMINENT DOMAIN—Cont'd.

- Ascertainment of market value.
- Becker *v.* Philadelphia & R. T. R. Co. (Pa. St.), vol. 6, p. 174.
- Assessment of damages.
- Becker *v.* Philadelphia & R. T. R. Co. (Pa. St.), vol. 6, p. 174.
- Bigelow *v.* Draper (N. Dak.), vol. 7, p. 771.
- Chicago, etc., Ry. Co. *v.* Shafer (Neb.), vol. 5, p. 698.
- Ellsworth *v.* Chicago & I. W. Ry. Co. (Iowa), vol. 3, p. 5.
- Assumption that damages will be nominal.
- Postal Tel. Cable Co. *v.* Southern Ry. Co. (C. C. N. Car.), vol. 13, p. 417.
- Blocks separated by streets and used as a whole for a common purpose.
- Union Elevator Co. *v.* Kansas City Sub. Belt R. Co. (Mo.), vol. 3, p. 165.
- Compliance with valid police regulations and changes in corporate charters are not subjects for compensation.
- Chicago, M. & St. P. Ry. Co. *v.* City of Milwaukee (Wis.), vol. 9, p. 537.
- Condemnation of right of way for telegraph line.
- Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Miss.), vol. 18, p. 364.
- Condemnation of right of way for telegraph line, speculative damages.
- Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Miss.), vol. 18, p. 364.
- Condemnation of right of way, instruction as to damages.
- Kansas City & N. C. R. Co. *v.* Shoemaker (Mo.), vol. 20, p. 496.
- Consequential damages for street crossing railroad.
- Morris & E. R. Co. *v.* City of Orange (N. J.), vol. 16, p. 631.
- Consideration of benefits.
- Metropolitan W. S. El. R. Co. *v.* Clancy (Ill.), vol. 3, p. 164.

EMINENT DOMAIN—*Cont'd.*

- Cost of gates, sign boards, etc., where street is laid across railroad.
 Morris & E. R. Co. *v.* City of Orange (N. J.), vol. 16, p. 631.
- Damages awarded in eminent domain proceedings will not be disturbed where the evidence is conflicting.
 Chicago, B. & O. R. Co. *v.* City of Naperville (Ill.), vol. 8, p. 702.
- Damages for running county ditch across right of way.
 Lake Erie & W. R. Co. *v.* Comm'rs (Ohio), vol. 18, p. 765.
- Danger from fire.
 Hamilton *v.* Pittsburgh B. & L. E. R. Co. (Pa.), vol. 13, p. 376.
- Kay *v.* Glade Creek & R. Co. (W. Va.), vol. 17, p. 695.
- Elements for entry and construction of railroad.
 Reiber *v.* Butler & P. R. Co. (Pa.), vol. 23, p. 421.
- Elements of.
 Chicago, R. I. & P. R. Co. *v.* O'Neill (Neb.), vol. 13, p. 371.
- Galesbury & G. E. R. Co. *v.* Milroy (Ill.), vol. 19, p. 277.
- Hamilton *v.* Pittsburgh B. & L. E. R. Co. (Pa.), vol. 13, p. 376.
- Error in instruction as to damages.
 Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Tenn.), vol. 10, p. 867.
- Evidence of benefit to plaintiffs from construction of road.
 Hamilton *v.* Pittsburgh B. & L. E. R. Co. (Pa.), vol. 13, p. 376.
- Evidence of plans for future use of lands.
 Union Term. R. Co. *v.* Peet Bro. Mfg. Co. (Kan.), vol. 13, p. 851.
- For interruption of business.
 Chicago B. & O. R. Co. *v.* City of Naperville (Ill.), vol. 8, p. 702.
- Georgia constitution construed.
 Austin *v.* Augusta T. Ry. Co. (Ga.), vol. 17, p. 711.

EMINENT DOMAIN—*Cont'd.*

- Improvement by condemning company as element of damages.
 Bellingham Bay & British Columbia R. Co. *v.* Strand (Wash.), vol. 3, p. 171.
- Incidental expenses.
 Chicago & A. R. Co. *v.* City of Pontiac (Ill.), vol. 9, p. 382.
- Injury by change of roadbed to well on land not condemned.
 Sheldon *v.* Boston & A. R. Co. (Mass.), vol. 13, p. 390.
- Injury to part of tract not taken.
 Union Term. R. Co. *v.* Peet Bros. Mfg. Co. (Kan.), vol. 13, p. 851.
- Instruction as to determination of market value of land.
 Snouffer *v.* Chicago & N. W. Ry. Co. (Iowa), vol. 11, p. 571.
- Interest on award.
 Becker *v.* Philadelphia & R. T. R. Co. (Pa. St.), vol. 6, p. 174.
- Bellingham Bay & British Columbia R. Co. *v.* Strand (Wash.), vol. 3, p. 171.
- National Docks & N. J. J. C. R. Co. *v.* Pennsylvania R. Co. (N. J.), vol. 3, p. 169.
- St. Louis O. H. & C. Ry. Co. *v.* Fowler (Mo.), vol. 10, p. 405.
- Market value.
 Rock Island & P. Ry. Co. *v.* Leisey Brewing Co. (Ill.), vol. 13, p. 340.
- Measure of.
 Chicago & A. R. Co. *v.* City of Pontiac (Ill.), vol. 9, p. 382.
- Chicago, B. & O. R. Co. *v.* City of Chicago (U. S.), vol. 7, p. 27.
- Chicago, R. I. & P. R. Co. *v.* O'Neill (Neb.), vol. 13, p. 371.
- Chicago, R. I. & P. Ry. Co. *v.* Sturey (Neb.), vol. 13, p. 849.
- Davis *v.* Northwestern El. Ry. Co. (Ill.), vol. 9, p. 452.
- Hunter *v.* Manhattan R. Co. (N. Y.), vol. 1, p. 366.

EMINENT DOMAIN—*Cont'd.*

- Metropolitan W. S. El. R. Co. *v.* Springer (Ill.), vol. 9, p. 731.
- National Docks & N. J. J. C. R. Co. *v.* Pennsylvania R. Co. (N. J.), vol. 3, p. 131.
- Orleans & J. Ry. Co. *v.* Jefferson & L. P. Ry. Co. (La.), vol. 16, p. 699.
- Struthers *v.* Philadelphia & D. C. R. Co. (Pa.), vol. 4, p. 207.
- Measure of, condemnation of land for street purposes.
Chicago & Northwestern R. Co. *v.* Town of Cicero (Ill.), vol. 3, p. 206.
- Measure of, construction of road without condemnation or consent.
Southern Ry. Co. *v.* Cowan (Ala.), vol. 22, p. 151.
- Measure of damages for condemnation of railroad right of way for telegraph line.
Postal Tel. Cable Co. of Utah *v.* Oregon S. L. R. Co. (Utah), vol. 22, p. 273.
- Measure of damages for depreciation in the market value of land.
Omaha, Hutchinson & Gulf R. Co. *v.* Doney (Kan.), vol. 3, p. 144.
- Measure of damages for land not taken.
Galesburg & G. E. Co. *v.* Milroy (Ill.), vol. 19, p. 277.
- Measure of damages, noise and smoke.
Omaha, Hutchinson & Gulf R. Co. *v.* Doney (Kan.), vol. 3, p. 144.
- Measure of damages, proximity of road to house.
Omaha, Hutchinson & Gulf R. Co. *v.* Doney (Kan.), vol. 3, p. 144.
- Measure of damages, reversionary interest.
Chicago West Division Railway Co. *v.* Metropolitan West Side Elevated R. Co. (Ill.), vol. 3, p. 45.
- Measure of damages, right to damages for land having no market value.
Illinois Cent. R. Co. *v.* City of Chicago (Ill.), vol. 3, p. 181.

EMINENT DOMAIN—*Cont'd.*

- Measure of damages, special instruction modifying general instruction.
Atchison & N. R. Co. *v.* Boerner (Neb.), vol. 3, p. 132.
- Measure of damages to land not taken.
Mahaffey *v.* Beech Creek R. Co. (Pa. St.), vol. 3, p. 165.
- Metropolitan West Side Elevated Ry. Co. *v.* Stickney (Ill.), vol. 3, p. 147.
- Measure of damages to land not taken equal to value of whole tract before taking.
Metropolitan W. S. El. R. Co. *v.* Clancy (Ill.), vol. 3, p. 165.
- Measure of damages to land not taken, general principles.
Allmon *v.* Chicago, P. & M. R. Co. (Ill.), vol. 3, p. 164.
- Central Trust Co. of N. Y. *v.* Thurman (Ga.), vol. 3, p. 164.
- Spring City G. L. Co. *v.* Penn. S. V. R. Co. (Pa. St.), vol. 3, p. 164.
- Measure of damages to land not taken, lots of land considered as separate parcels.
Wellington *v.* Boston & M. R. Co. (Mass.), vol. 3, p. 165.
- Measure of damages to land not taken, necessity of decrease in value.
Metropolitan W. S. El. R. Co. *v.* Clancy (Ill.), vol. 3, p. 164.
- Measure of damages to land not taken, property not taken.
Metropolitan W. S. El. Ry. Co. *v.* Stickney (Ill.), vol. 3, p. 147.
- Measure of damages to land not taken, speculative damages.
Chicago & A. R. Co. *v.* City of Potiac (Ill.), vol. 9, p. 382.
- Metropolitan W. S. El. Ry. Co. *v.* Stickney (Ill.) vol. 3, p. 147.
- Measure of damages to land not taken, test as to damages.
Metropolitan West Side El. R. Co. *v.* Clancy (Ill.), vol. 3, p. 164.

EMINENT DOMAIN—*Cont'd.*

- Measure of damages to land not taken, treating unoccupied land of gas company as part of plant.
Spring City Gas Light Co. v. Pennsylvania, etc., R. Co. (Pa. St.), vol. 3, p. 165.
- Measure of damages to land not taken, where separate tracts were condemned.
Foster v. Chicago, R. I. & T. Ry. Co. (Tex.), vol. 3, p. 1.
- Measure of damages to land not taken where street is extended over depot grounds.
Chicago, B. & Q. R. Co. v. City of Naperville (Ill.), vol. 8, p. 702.
- Measure of damages, what damages jury may consider.
Atchison & N. R. Co. v. Boerner (Neb.), vol. 3, p. 168.
- Measure of, depreciation in value of property because of injury to it for business purposes.
Atchison & N. R. Co. v. Boerner (Neb.), vol. 3, p. 168.
- Measure of destruction of leasehold interest.
Boteler v. Philadelphia & R. T. R. Co. (Pa. St.), vol. 3, p. 132.
- Measure of difference between cost of redeeming land before and after taking.
National Docks & N. J. J. C. R. Co. v. Pennsylvania R. Co. (N. J.), vol. 3, p. 131.
- Measure of improvement by condemning company as element of damages.
Bellingham Bay & British Columbia R. Co. v. Strand (Wash.), vol. 3, p. 171.
- Measure of, instruction to ascertain compensation irrespective of damages to property not taken.
Los Angeles, P. & G. R. Co. v. Rumm (Cal.), vol. 3, p. 133.
- Measure of, misleading instruction as to estimation of damages to particular tract.
Chicago, P. & M. R. Co. v. Goff (Ill.), vol. 3, p. 136.
- Nominal compensation.
Chicago, B. & Q. R. Co. v. City of Chicago (U. S.), vol. 7, p. 26.

EMINENT DOMAIN—*Cont'd.*

- Nominal damages only can be recovered for condemnation of railroad right of way for telegraph line.
Postal Tel. Cable Co. of Utah v. Oregon S. L. R. Co. (Utah), vol. 22, p. 273.
- Paralleling of highway by railroad gives county no right of action for.
Richmond, N., I. & B. R. Co. v. Estill County (Ky.), vol. 13, p. 365.
- Physical interference necessary to warrant recovery.
Austin v. Augusta T. Ry. Co. (Ga.), vol. 17, p. 711.
- Pleading.
Pittsburgh, C., C. & St. L. Ry. Co. v. Beck (Ind.), vol. 13, p. 353.
- Preference of judgment for, over prior mortgage.
Central Trust Co. of N. Y. v. Hennen (C. C. A.), vol. 13, p. 409.
- Railroad not required to pay for structures erected on land by it prior to condemnation.
Seattle & M. R. Co. v. Corbett (Wash.), vol. 17, p. 709.
- Recovery for loss of profits.
Becker v. Philadelphia & R. T. R. Co. (Pa. St.), vol. 6, p. 174.
- Recovery of present and future damages in one action.
Chicago, R. I. & P. R. Co. v. O'Neill (Neb.), vol. 13, p. 371.
- Rental value.
Chicago, R. I. & P. Ry. Co. v. Sturey (Neb.), vol. 13, p. 849.
- Requested instructions covered by instructions given.
Kansas City, etc., Ry. Co. v. McElroy (Mo.), vol. 22, p. 397.
- Right of sublessee to compensation.
Boteler v. Philadelphia & R. T. R. Co. (Pa. St.), vol. 3, p. 130.
- Separate ownership of marble or lime rock in land taken, right of railroad to have damages assessed to each owner.
Lime Rock R. Co. v. Farnsworth (Me.), vol. 3, p. 13.

EMINENT DOMAIN—*Cont'd.*

Speculative profits.

Hamilton *v.* Pittsburgh, B. & L. E. R. Co. (Pa.), vol. 13, p. 376.

Street crossing railroad.

Morris & E. R. Co. *v.* City of Orange (N. J.), vol. 16, p. 631.

Taking of railroad right of way by telegraph company.

Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Ala.), vol. 13, p. 423.

Tender.

National Docks & N. J. J. C. R. Co. *v.* Pennsylvania R. Co. (N. J.), vol. 3, p. 169.

Tender of award to attorney of owner.

National Docks & N. J. J. C. R. Co. *v.* Pennsylvania R. Co. (N. J.), vol. 3, p. 169.

Value of land.

Shreveport & R. R. Val. Ry. Co. *v.* Hinds (La.), vol. 13, p. 325.

Value of land must be kept distinct from damages.

Shreveport & R. R. Val. Ry. Co. *v.* Hinds (La.), vol. 13, p. 325.

Verdict not disturbed where evidence is conflicting, and damages are not excessive.

Illinois Cent. R. Co. *v.* Town of Normal (Ill.), vol. 13, p. 367.

Verdict not disturbed where evidence is conflicting and jury has viewed premises.

Rock Island & P. Ry. Co. *v.* Leisy Brewing Co. (Ill.), vol. 13, p. 340.

Decree effecting equitable condemnation.

Western Union Tel. Co. *v.* Ann Arbor R. Co. (C. C. A.), vol. 13, p. 395.

Defences.

Thomas *v.* St. Louis, etc., Ry. Co. (Ill.), vol. 8, p. 760.

Denial of right without prejudice to future application.

Pennsylvania, S. V. R. Co. *v.* Schuylkill Nav. Co. (Pa. St.), vol. 3, p. 27.

Destruction of river landing on neighboring property.

Mahaffy *v.* Beech Creek R. Co. (Pa. St.), vol. 3, p. 131.

EMINENT DOMAIN—*Cont'd.*

Discontinuance of condemnation proceedings.

Andrus *v.* Bay Creek Ry. Co. (N. J.), vol. 6, p. 780.

Discontinuance of proceedings, right of landowner to recover expenses of defence.

St. Louis R. Co. *v.* Southern R. Co. (Mo.), vol. 7, p. 772.

Distinction between right acquired by eminent domain and by purchase.

Jones *v.* Erie & Pennsylvania R. Co. (Pa.), vol. 3, p. 18.

Due process of law, due notice to the owner of condemnation proceedings, and his appearing in court and defending such proceedings do not show that such condemnation was had by due process of law. Due process of law requires compensation for private property taken for public use.

Chicago, B. & Q. R. Co. *v.* City of Chicago (U. S.), vol. 7, p. 26.

Dwelling house.

State *v.* Mayor of New Brunswick (N. J.), vol. 3, p. 170.

Effect of execution by municipality of agreement to condemn land for use of railroad company.

Dennis Long & Co. *v.* City of Louisville (Ky.), vol. 3, p. 213.

Effect of judgment in former proceeding.

Ligare *v.* Chicago, M. & N. R. Co. (Ill.), vol. 9, p. 52.

Effect of previous title of petitioner.

Thomas *v.* St. Louis, etc., Ry. Co. (Ill.), vol. 8, p. 760.

Effect on right of condemnation of construction of unnecessary spur track across located line.

Southern Pacific Railroad Co. *v.* Southern California Railway Co. (Cal.), vol. 3, p. 37.

Effect upon right of entry by the setting aside of verdict of jury.

National Docks & New Jersey Junction, etc., Co. *v.* Pennsylvania Railroad Co. (N. J.), vol. 3, p. 82.

Election.

Fries *v.* Wheeling & L. E. Ry. Co. (Ohio), vol. 6, p. 489.

EMINENT DOMAIN—Cont'd.

Elements of damage for condemnation of right of way.

Kansas City & N. C. R. Co. v. Shoemaker (Mo.), vol. 20, p. 496.

Elevated railroads.

Garrett v. Lake Roland Elevated Ry. Co. (Md.), vol. 1, p. 385.

In re Metropolitan El. R. Co. (N. Y.), vol. 1, p. 349.

Lake Roland Elevated R. Co. v. Webster (Md.), vol. 1, p. 360.

Metropolitan W. S. El. R. Co. v. Springer (Ill.), vol. 9, p. 731.

Oberfelder v. Metropolitan El. R. Co. (N. Y.), vol. 1, p. 349.

Philips v. Philadelphia & R. T. R. Co. (Pa.), vol. 10, p. 706.

Tudor v. Chicago & Southside Rapid Transit Co. (Ill.), vol. 1, p. 340.

White v. Manhattan Ry. Co. (N. Y.), vol. 1, p. 351.

Elevators.

Missouri Pac. R. Co. v. State of Nebraska ex rel. Board of Transportation (U. S.), vol. 6, p. 157.

An order of the state board of transportation, under the provision of the act of March 31, 1887, entitled "an act to regulate railroads and prevent unjust discrimination," etc., which requires a railroad company to surrender a portion of its right of way for an elevator site to a person or corporation engaged in the buying and shipping of grain, contemplates the taking of property for mere private use, within the prohibition of the United States constitution, and is accordingly without authority and void.

Chicago, B. & Q. R. Co. v. State Board of Transportation (Neb.), vol. 7, p. 349.

Equitable jurisdiction.

Pennsylvania, Poughkeepsie, etc., R. Co. v. Trimmer (N. J.), vol. 3, p. 137.

Equitable jurisdiction, license to company to build bridge pier on land.

Pennsylvania, Poughkeepsie, etc., R. Co. v. Trimmer (N. J.), vol. 3, p. 137.

EMINENT DOMAIN—Cont'd.

Erection of telegraph poles as evidence of intention to appropriate.

Pittsburgh, C., C. & St. L. Ry. Co. v. Beck (Ind.), vol. 13, p. 353.

Estate acquired by condemnation.

Charleston & W. C. Ry. Co. v. Hughes (Ga.), vol. 11, p. 541.

Shreveport & R. R. Val. Ry. Co. v. Hinds (La.), vol. 13, p. 325.

Estoppel, acquiescence by owner in construction of road.

Roberts v. Northern Pac. R. Co. (U. S.), vol. 3, p. 106.

Estoppel of landholder to attack validity of proceedings because of having testified therein.

Owen v. St. P., M. & M. R. Co. (Wash.), vol. 3, p. 32.

Estoppel of owner to dispute right of municipality to easement in land used by railroad company.

Dennis Long & Co. v. City of Louisville (Ky.), vol. 3, p. 213.

Evidence.

Chicago & A. R. Co. v. City of Pontiac (Ill.), vol. 9, p. 382.

Ligare v. Chicago, M. & N. R. Co. (Ill.), vol. 9, p. 52.

Lyon v. Hammond & B. I. R. Co. (Ill.), vol. 9, p. 337.

Thomas v. St. Louis, etc., Ry. Co. (Ill.), vol. 8, p. 761.

Admissibility of evidence as to an agreement to sell.

Ligare v. Chicago, M. & N. R. Co. (Ill.), vol. 9, p. 52.

Admissibility of evidence of sales of similar property.

Snouffer v. Chicago & N. W. Ry. Co. (Iowa), vol. 11, p. 571.

Admission of one joint owner as to value of land.

St. Louis, O. H. & C. Ry. Co. v. Fowler (Mo.), vol. 10, p. 405.

Admissions, introduction of evidence of an assessment list made by one joint owner in which the land was valued by him at a certain sum.

St. Louis, O. H. & C. Ry. Co. v. Fowler (Mo.), vol. 10, p. 405.

EMINENT DOMAIN—Cont'd.

- Award which has been set aside.
- Pennsylvania R. Co. *v.* National Docks & N. J. J. C. Co. (N. J.), vol. 3, p. 166.
- Competency of evidence as to cuts and fills upon land in determining damages.
- Ellsworth *v.* Chicago & I. W. Ry. Co. (Iowa), vol. 3, p. 5.
- Conflicting evidence as to damage to land.
- Allmon *v.* Chicago, P. & M. R. Co. (Ill.), vol. 3, p. 136.
- Erroneous basis for estimate as ground for striking out testimony.
- Abbott *v.* Southern Pac. R. Co. (Cal.), vol. 3, p. 166.
- Evidence of an assessment list made by one joint owner in which the land was valued by him at a certain sum.
- St. Louis, O. H. & C. Ry. Co. *v.* Fowler (Mo.), vol. 10, p. 405.
- Evidence of effect of condemnation on business of respondent.
- Lake Shore & Michigan S. Ry. Co. *v.* Baltimore & Ohio & Chicago R. Co. (Ill.), vol. 3, p. 57.
- Evidence of statutory authority to condemn railroad right of way for telegraph line.
- Postal Tel. Cable Co. of Utah *v.* Oregon S. L. R. Co. (Utah), vol. 22, p. 273.
- Evidence of value, limitation to market value.
- Ligare *v.* Chicago, M. & N. R. Co. (Ill.), vol. 9, p. 52.
- Evidence on cross-examination to show value of land taken.
- Westbrook *v.* Muscatine N. & S. R. Co. (Iowa), vol. 23, p. 835.
- Evidence that petitioner and respondent could not agree as to damages.
- Lake Shore & Mich. S. Ry. Co. *v.* Baltimore & Ohio & Chicago R. Co. (Ill.), vol. 3, p. 57.
- Exclusion of evidence as to what the property is worth for railroad purposes alone

EMINENT DOMAIN—Cont'd.

- and what railroad would pay rather than give up property.
- Ligare *v.* Chicago, M. & N. R. Co. (Ill.), 9, p. 52.
- In condemning land for right of way a railroad company has a right to rely upon the public records in determining who is the owner of the land.
- Phipps *v.* Kansas & C. P. Ry. Co. (Kan.), vol. 7, p. 247.
- Proof of capital stock and net earnings of a corporation where its land is taken.
- Spring City Gas Light Co. *v.* Pennsylvania, etc., R. Co. (Pa. St.), vol. 3, p. 166.
- Proof of value before construction of road.
- Atchison & N. R. Co. *v.* Boerner (Neb.), vol. 3, p. 166.
- Sale of other lands.
- St. Louis, O. H. & C. Ry. Co. *v.* Fowler (Mo.), vol. 10, p. 405.
- Unfinished street plan inadmissible.
- Walker *v.* South Chester R. Co. (Pa. St.), vol. 4, p. 256.
- View by jury as evidence.
- Chicago, R. I. & P. Ry. Co. *v.* Farwell (Neb.), vol. 17, p. 687.
- Where the tract of land sought to be condemned lies contiguous to a manufacturing city and is suitable for manufacturing purposes the jury in estimating damages may consider the value of switching facilities to the remainder of the land though there was no evidence of an offer or agreement by plaintiff to permit or provide switch connections with its tracks.
- St. Louis, O. H. & C. Ry. Co. *v.* Fowler (Mo.), vol. 10, p. 405.
- Evidence of statutory authority to condemn railroad right of way for telegraph line.
- Postal Tel. Cable Co. of Utah *v.* Oregon S. L. R. Co. (Utah), vol. 22, p. 273.
- Exercise of right to quiet title to land already owned.
- Florence E. D. & W. V. R. Co. *v.* Lilley (Kan.), vol. 3, p. 25.

EMINENT DOMAIN—Cont'd.**Expert and Opinion Evidence.**

Expert and opinion evidence.

Union Elevator Co. *v.* Kansas City S. B. R. Co. (Mo.), vol. 3, p. 167.

Expert and opinion evidence, comparison of values.

Chicago, R. I. & P. R. Co. *v.* Griffith (Neb.), vol. 3, p. 167.

General rule as to expert testimony.

Union Elevator Co. *v.* Kansas City S. B. R. Co. (Mo.), vol. 3, p. 167.

Opinion as to benefit to lands.

Sewell *v.* Chicago Term. Transfer R. Co. (Ill.), vol. 13, p. 387.

Opinion evidence.

Kay *v.* Glade Creek & R. R. Co. (W. Va.), vol. 17, p. 695.

Proof by gas, manufacturing expert as to real estate values.

Spring City Gas Light Co. *v.* Pennsylvania, etc., R. Co. (Pa. St.), vol. 3, p. 167.

Proof of prices obtained for other property.

Chicago, R. I. & P. R. Co. *v.* Griffith (Neb.), vol. 3, p. 168.

Real estate experts.

Struthers *v.* Philadelphia & D. C. R. Co. (Pa.), vol. 4, p. 207.

Value before and after possession by company.

Los Angeles, P. & G. R. Co. *v.* Rumpp (Cal.), vol. 3, p. 167.

Value of leasehold destroyed.

Boteler *v.* Philadelphia & R. T. R. Co. (Pa. St.), vol. 3, p. 167.

Value of railroad property condemned for street purposes.

Chicago & N. W. R. Co. *v.* Cicero (Ill.), vol. 3, p. 188.

Who are experts.

Union Elevator Co. *v.* Kansas City S. B. R. Co. (Mo.), vol. 3, p. 167.

Witness testifying as to the value of the land.

Chicago & G. T. R. Co. *v.* Burden (Ind. App.), vol. 3, p. 447.

Filing of survey, pre-emption.

American, etc., Nav. Co. *v.* N. Y., etc., R. Co. (N. J.), vol. 8, p. 761.**EMINENT DOMAIN—Cont'd.**

Florida act of Feb. 12, 1885.

Jacksonville, T. & K. W. R. Co. *v.* Adams (Fla.), vol. 3, pp. 24, 27, 28.

Foreign corporations, New York statutes.

New York, New Haven, etc., R. Co. *v.* Welsh (N. Y.), vol. 3, p. 229.

Foreign corporations, power of legislature to authorize condemnation proceedings by foreign railroad company.

New York, New Haven, etc., R. Co. *v.* Welsh (N. Y.), vol. 3, p. 229.

Funds in court to pay for another part of tract partitioned pending proceedings.

Virginia-Carolina Ry. Co. *v.* Booker (Va.), vol. 22, p. 800.**Injunctions.**Willamette Iron Works *v.* Oregon Ry. & Navigation Co. (Ore.), vol. 1, p. 36.

Condemnation of railroad property for street purposes.

Chicago & Northwestern R. Co. *v.* City of Chicago (Ill.), vol. 3, p. 199.

Extension of street over railroad yards.

Cincinnati, Wabash & Michigan R. Co. *v.* City of Anderson (Ind.), vol. 3, p. 194.

Injunction against trespass by railroad modified after condemnation of right of way.

Southern California R. Co. *v.* Southern Pac. R. Co. (Cal.), vol. 3, p. 446.

Injunction to prevent reopening of decision of commissioners.

Union Terminal R. Co. *v.* Board of R. Commissioners (Kan.), vol. 3, p. 72.

Judicial discretion as to enjoining the condemnation of railroad right of way for telegraph line.

Savannah, etc., Ry. Co. *v.* Postal Tel. Cable Co. (Ga.), vol. 20, p. 917.

Right to enjoin proceedings by second company for condemnation of land already condemned.

Eureka, etc., R. Co. *v.* California, etc., Ry. Co. (C. A.), vol. 22, p. 404.

EMINENT DOMAIN—Cont'd.

- To prevent taking possession of land before payment of compensation.
Stoltz v. Milwaukee & L. W. R. Co. (Wis.), vol. 15, p. 820.
- Judgments against company not binding on trustees and bond holders, under a mortgage, who were not parties thereto, in a suit to foreclose such mortgage.
Central Trust Co. of N. Y. v. Hennen (C. C. A.), vol. 13, p. 409.
- Judgment in eminent domain proceedings a bar to subsequent action for damages.
International & G. N. R. Co. v. Gieselman (Tex. Civ. App.), vol. 3, p. 446.
- Judicial notice of deposit of amount of award of commissioner.
Foster v. Chicago, R. I. & T. Ry. Co. (Tex.), vol. 3, p. 2.
- Jurisdiction of New York supreme court to entertain condemnation proceedings.
In re Southern Boulevard R. Co. (N. Y.), vol. 3, p. 169.
- Jurisdiction of supreme court of the United States in proceedings in state court.
Chicago, B. & O. R. Co. v. City of Chicago (U. S.), vol. 7, p. 26.
- Jury and Jury Trial.**
Bigelow v. Draper (N. Dak.), vol. 7, p. 771.
- Report of jurors, as evidence of number of jurors concurring in verdict.
Jacksonville, T. & K. W. R. Co. v. Adams (Fla.), vol. 3, p. 29.
- Right of legislature to dispense with jury of twelve men.
Jacksonville, T. & K. W. R. Co. v. Adams (Fla.), vol. 3, p. 27.
- Struck jury in condemnation proceedings.
Pennsylvania R. Co. v. National Docks Co. (N. J.), vol. 4, p. 256.
- Justice of the peace, jurisdiction.
Musick v. Kansas City, S. & M. R. Co. (Mo.), vol. 3, p. 28.
- Lease.**
Little Rock & Ft. S. R. Co. v. Alister (Ark.), vol. 3, p. 447.

EMINENT DOMAIN—Cont'd.

- Leased land.**
State v. National Docks, etc., R. Co. (N. J.), vol. 3, p. 26.
- Liability of purchaser of railroad for unpaid condemnation money.
Missouri Pac. Ry. Co. v. Henrie (Kan.), vol. 6, p. 790.
- Liability of successor company upon judgment.
Chicago & Southeastern R. Co. v. Galey (Ind.), vol. 3, p. 234.
- Manufactory.**
 English land clauses act.
Brooks v. Manchester, S. & L. R. Co. (Eng.), vol. 3, p. 27.
- Mortgages.**
Dickson v. Epling (Ill.), vol. 9, p. 403.
- Mortgages, exercise of right of eminent domain with respect to a right of way which it already owns and its effect on mortgage lien.
Chicago, Kansas & Western R. Co. v. Need (Kan. App.), vol. 3, p. 236.
- Mortgages, improvements by railroad passing to purchaser at foreclosure sale.
Briggs v. Chicago, K. & W. R. Co. (Kan.), vol. 3, p. 446.
- Mortgages, right to condemn mortgage lien.
Chicago, Kansas & Western R. Co. v. Need (Kan. App.), vol. 3, p. 236.
- Municipality not authorized to condemn more land than necessary for railroad purposes.
Dennis Long & Co. v. City of Louisville (Ky.), vol. 3, p. 213.
- Nature, extent and exercise of right by railroad companies.
Jacksonville, T. & K. W. R. Co. v. Adams (Fla.), vol. 3, p. 24.
- Necessity a judicial question.
Bigelow v. Draper (N. Dak.), vol. 7, p. 771.
- Necessity of direct proceeding.
Aull v. Columbia, etc., R. Co. (S. Car.), vol. 3, p. 129.
- Notice.**
 Necessity of.
Clement v. Wichita & S. W. R. Co. (Kan.), vol. 3, p. 10.

EMINENT DOMAIN—Cont'd.

Notice of proceedings.

Ellsworth *v.* Chicago & I.
W. Ry. Co. (Iowa), vol. 3,
p. 5.

Kansas, etc., R. Co. *v.*
Phipps (Kan. App.), vol. 7,
p. 247.

Obstruction of drain by a
railroad.

St. Louis, etc., R. Co. *v.*
Anderson (Ark.), vol. 5,
p. 637.

Service of notice on agent of
nonresident owner.

Saginaw T. & H. R. Co. *v.*
Bordner (Mich.), vol. 3, p.
11.

Parties, persons whose interest
is subsequently discovered are
not necessary parties.

Illinois Cent. R. Co. *v.* Town
of Normal (Ill.), vol. 13, p.
367.

Parties, effect of failure to make
person in possession and
claiming title party to pro-
ceedings.

Owen *v.* St. Paul, M. & M.
R. Co. (Wash.), vol. 3, p. 169.

Payment into Court.

Los Angeles, P. & G. R.
Co. *v.* Rumpff (Cal.), vol.
3, p. 133.

National Docks & N. J. J.
C. R. Co. *v.* Pennsylvania
R. Co. (N. J.), vol. 3, p. 132.

Acceptance of award as pre-
clusion of claim to additional
damages.

Twombly *v.* Chicago, R. I.
& T. R. Co. (Tex.), vol. 3,
p. 134.

Payment to mortgagees.

Scottish American Inv. Co.
v. Prittie (Ont.), vol. 3, p.
134.

Receipt for award and pre-
vious demand for payment
as evidence of willingness
to accept amount.

Ft. Worth Ice Co. *v.* Chicago
R. I. & T. R. Co. (Tex.),
vol. 3, p. 134.

Review of award of compen-
sation.

Atchison & N. R. Co. *v.*
Boerner (Neb.), vol. 3, p.
134.

Statute providing that a
railroad company might pay
into court the amount of

EMINENT DOMAIN—Cont'd.

an unsatisfactory award
when an appeal has been
taken, and thereupon build a
turnpike crossing was held
unconstitutional.

Harrisburg, etc., Turnpike
Road Co. *v.* Harrisburg,
etc., R. Co. (Pa.), vol. 6, p.
780.

Payment of compensation.

Kansas, etc., R. Co. *v.* Phipps
(Kan. App.), vol. 5, p. 699.

Pennsylvania R. Co. *v.* Na-
tional Docks & N. J. J. C. R.
Co. (N. J.), vol. 3, p. 132.

Payment of compensation in
proceedings to condemn rail-
road right of way for tele-
graph line.

Postal Tel. Cable Co. of Utah
v. Oregon S. L. R. Co.
(Utah), vol. 22, p. 273.

Persons entitled to compensa-
tion.

Virginia-Carolina Ry. Co. *v.*
Booker (Va.), vol. 22, p. 800.

Petition, sufficiency of petition
for condemnation.

Ft. Worth Ice Co. *v.* Chicago,
R. I. & T. R. Co. (Tex.),
vol. 3, p. 169.

Pleading.

Mobile & O. R. Co. *v.* Postal
Tel. Cable Co. (Ala.), vol.
13, p. 423.

Power of commissioners.

Union Terminal R. Co. *v.*
Board of R. Commissioners
(Kan.), vol. 3, p. 72.

Power of commissioners, power
and authority of commis-
sioners appointed under New
York General Railroad Act.

Matter of Southern Boulevard
Co. (N. Y.), vol. 3, p. 30.

Preclusion of right to condemn
land by private contract to de-
sist from use of steam on por-
tion of road.

In re Long Island R. Co. (N.
Y.), vol. 3, p. 25.

Presumption as to appointment
of qualified commissioners.

Gulf, C. & S. F. R. Co. *v.* Ft.
Worth & R. G. R. Co. (Tex.),
vol. 3, p. 30.

Presumption under general rail-
road laws as to extent of ap-
propriation.

Jones *v.* Erie & Pennsylvania
R. Co. (Pa.), vol. 3, p. 18.

EMINENT DOMAIN—*Cont'd.*

Proceedings.

Chicago & A. R. Co. *v.* City of Pontiac (Ill.), vol. 9, p. 382.

Davis *v.* Northwestern El. Ry. Co. (Ill.), vol. 9, p. 452.

Jacksonville, T. & K. W. R. Co. *v.* Adams (Fla.), vol. 3, p. 27.

Proper parties.

Bigelow *v.* Draper (N. Dak.), vol. 7, p. 771.

Public use, judicial questions under Missouri Const. art. 2, § 20.

Kansas, etc., Ry. Co. *v.* Northwestern Coal & Min. Co. (Mo.), vol. 20, p. 593.

Public use, taking of property already devoted to public use.

Chicago & Northwestern R. Co. *v.* City of Chicago (Ill.), vol. 3, p. 199.

Question of law and fact, damages.

Davis *v.* Northwestern El. Ry. Co. (Ill.), vol. 9, p. 452.

Quieting title.

Florence E. D. & W. V. R. Co. *v.* Lilley (Kan.), vol. 3, p. 25.

Railroad not private merely because of its relation with coal mining company having same officers and stockholders, so as to prevent it from having power of eminent domain.

Kansas, etc., Ry. Co. *v.* Northwestern Coal & Min. Co. (Mo.), vol. 20, p. 593.

Relocation.

Lusby *v.* Kansas City, M. & B. R. Co. (Miss.), vol. 3, p. 447.

Reopening of decision of commissioners.

Union Terminal R. Co. *v.* Board of Railroad Commissioners (Kan.), vol. 3, p. 72.

Res judicata.

Union Depot Co. *v.* Backus (Mich.), vol. 3, p. 136.

Revivor of proceeding against new company formed by consolidation.

Chicago, K. & W. R. Co. *v.* Butts (Kan.), vol. 3, p. 32.

Right of company to possession.

Wellington & P. R. Co. *v.* Cashie & C. R. & L. Co. (N. Car.), vol. 3, p. 32.

Right of possession before termination of proceedings.

Rudd *v.* Farmville & P. R. Co. (Va.), vol. 3, p. 656.

EMINENT DOMAIN—*Cont'd.*

Right of private operating road.

Butte, A. & P. R. Co. *v.* Montana U. R. Co. (Mont.), vol. 3, p. 25.

Right of railroad company to enter upon condemned land.

National Docks & New Jersey Junction, etc., Co. *v.* Pennsylvania R. Co. (N. J.), vol. 3, p. 82.

Right of riparian owner.

Bigelow *v.* Draper (N. Dak.), vol. 7, p. 771.

Right of Way.

Authority to condemn right of way for street railways under Wis. Rev. St. 1898, § 1863 a.

Younkin *v.* Milwaukee L., H. & T. Co. (Wis.), vol. 23, p. 500.

Condemnation of right of way across railroad side track.

Lake Shore & Michigan Southern Ry. Co. *v.* Baltimore & Ohio & Chicago R. Co. (Ill.), vol. 3, p. 57.

Condemnation of right of way, defenses.

Kansas, etc., Ry. Co. *v.* Northwestern Coal & Min. Co. (Mo.), vol. 20, p. 593.

Condemnation of right of way for telegraph lines, effect of grant to other telegraph companies.

Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Miss.), vol. 18, p. 364.

Condemnation of right of way over land of coal mining company having same officers and stockholders and likely to furnish bulk of business.

Kansas, etc., Ry. Co. *v.* Northwestern Coal & Min. Co. (Mo.), vol. 20, p. 593.

County ditch across right of way.

Lake Erie & W. R. Co. *v.* Comm'rs (Ohio), vol. 18, p. 765.

County ditch as public necessity.

Lake Erie & W. R. Co. *v.* Comm'rs (Ohio), vol. 18, p. 765.

Damages for land taken within right of way and outside tracks.

Illinois Central R. Co. *v.* City of Chicago (Ill.), vol. 3, p. 181.

EMINENT DOMAIN—*Cont'd.*

- Damages not allowed for improvements made before condemnation by railroad company on land.
Charleston & W. C. Ry. Co. v. Hughes (Ga.), vol. 11, p. 541.
- Description of proposed right of way for telegraph line in complaint in proceedings to condemn right of way for.
Postal Tel. Cable Co. of Utah v. Oregon S. L. R. Co. (Utah), vol. 22, p. 273.
- Discretion of duly incorporated telegraph company will not be interfered with by the court in action for condemnation of railroad right of way for telegraph line where prior use will not be materially interfered with.
Postal Tel. Cable Co. of Utah v. Oregon S. L. R. Co. (Utah), vol. 22, p. 274.
- Effect of condemnation of only part of right of way.
National Docks & New Jersey Junction, etc., Co. v. Pennsylvania R. Co. (N. J.), vol. 3, p. 82.
- Effect of fact that foreign corporation is interested in petitioner's company in action to condemn railroad right of way for telegraph line.
Postal Tel. Cable Co. of Utah v. Oregon S. L. R. Co. (Utah), vol. 22, p. 273.
- Ejectment of company from right of way for failure to condemn and make compensation.
Southern Ry. Co. v. Hood (Ala.), vol. 19, p. 166.
- Estate to be acquired by railroad condemning right of way.
Shreveport & R. R. Val. Ry. Co. v. Hinds (La.), vol. 13, p. 325.
- Estimate of cost of proposed improvement need not be stated in petition by town to condemn land for street across right of way.
Illinois Cent. R. Co. v. Town of Normal (Ill.), vol. 13, p. 367.
- Fencing along right of way as elements of damages.
Los Angeles, P. & G. R. Co. v. Rumpp (Cal.), vol. 3, p. 130.

EMINENT DOMAIN—*Cont'd.*

- Filing of map of proposed route does not vest company's right.
Adirondack Ry. Co. v. People (U. S.), vol. 18, p. 348.
- How one railroad may acquire right of way upon land of another.
Potts v. Quaker City Elevated R. Co. (Pa.), vol. 1, p. 401.
- Institution of condemnation proceedings by railroad to recover right of way.
Southern Ry. Co. v. Standiford (Ky.), vol. 20, p. 154.
- Location of public drains on railroad right of way, collateral attack on jurisdiction of county board.
Baltimore, etc., Ry. Co. v. Board of Com'rs (Ind.), vol. 20, p. 716.
- More necessary public use in action to condemn railroad right of way for telegraph line.
Postal Tel. Cable Co. of Utah v. Oregon S. L. R. Co. (Utah), vol. 22, p. 273.
- Necessity of taking, in action to condemn railroad right of way for telegraph line.
Postal Tel. Cable Co. of Utah v. Oregon S. L. R. Co. (Utah), vol. 22, p. 273.
- Power to change location.
Lusby v. Kansas City M. & B. R. Co. (Miss.), vol. 3, p. 447.
- Purchase of right of way and condemnation of additional strip.
Joplin & W. Ry. Co. v. Kansas City, Ft. S. & M. Ry. Co. (Mo.), vol. 8, p. 165.
- Right of company to compensation where right of way is condemned.
Illinois Cent. R. Co. v. City of Chicago (Ill.), vol. 3, p. 181.
- Right of one railroad company to appropriate railroad property of another company.
Chicago West Division Ry. Co. v. Metropolitan West Side El. R. Co. (Ill.), vol. 3, p. 45.
- City Council of Augusta v. Georgia R. & Banking Co. (Ga.), vol. 7, p. 384.

EMINENT DOMAIN—*Cont'd.*

- In re American Transp. & Nav. Co. (N. J.), vol. 3, p. 26.
- Lake Shore & Mich. Southern Ry. Co. *v.* Baltimore & Ohio & Chicago R. Co. (Ill.), vol. 3, p. 57.
- National Docks & New Jersey Junction, etc., Co. *v.* Pennsylvania R. Co. (N. J.), vol. 3, p. 82.
- St. Louis, Alton & Terre Haute Ry. Co. *v.* Belleville City Ry. Co. (Ill.), vol. 3, p. 53.
- Southern Pac. R. Co. *v.* Southern California R. Co. (Cal.), vol. 3, p. 37.
- Union Terminal R. Co. *v.* Board of R. Com'rs (Kan.), vol. 3, p. 72.
- Right of street railway to cross railroad.
- Williams Val. R. Co. *v.* Lykens & W. Val. St. Ry. Co. (Pa.), vol. 16, p. 718.
- Right of street railway to cross steam railroad without condemnation proceedings.
- Southern Ry. Co. *v.* Atlanta R. T. Co. (Ga.), vol. 18, p. 425.
- Right of way secured by exercise of right of eminent domain on streets of cities, extent of appropriation.
- Jones *v.* Erie & Pennsylvania R. Co. (Pa.), vol. 3, p. 18.
- Right to condemn land in excess of width prescribed by statute.
- Wilder *v.* Boston & A. R. Co. (Mass.), vol. 3, p. 28.
- Right to condemn railroad right of way for telegraph line in absence of legislative authority.
- Postal Tel. Cable Co. of Utah *v.* Oregon S. L. R. Co. (Utah), vol. 22, p. 273.
- Sufficiency of judgment to vest right of way.
- Ft. Worth Ice Co. *v.* Chicago, R. I. & T. R. Co. (Tex.), vol. 3, p. 169.
- Taking land used for right of way.
- Chicago & N. W. R. Co. *v.* Cicero (Ill.), vol. 3, p. 188.
- Telegraph companies con-

EMINENT DOMAIN—*Cont'd.*

- demning railroad right of way.
- Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Ala.), vol. 13, p. 423.
- Northwestern Tel. Exch. Co. *v.* Chicago M. & St. P. Ry. Co. (Minn.), vol. 13, p. 449.
- Telegraph companies condemning railroad line along railroad right of way.
- Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Tenn.), vol. 10, p. 867.
- Under Burns' Rev. St. 1894 of Indiana, county board has jurisdiction to establish public drains across railroad right of way.
- Baltimore, etc., Ry. Co. *v.* Board of Com'rs (Ind.), vol. 22, p. 408.
- Where proceedings must be brought in action for condemnation of railroad right of way for telegraph line.
- Postal Tel. Cable Co. of Utah *v.* Oregon S. L. R. Co. (Utah), vol. 22, p. 273.
- Whether railroad's right of way over land of coal mining company materially interfered with latter's use.
- Kansas, etc., Ry. Co. *v.* Northwestern Coal & Min. Co. (Mo.), vol. 20, p. 593.
- Width.
- Zahn *v.* Pittsburgh, C., C. & St. L. Ry. Co. (Pa.), vol. 9, p. 411.
- Right to construct side tracks.
- Lake Shore & Michigan Southern Ry. Co. *v.* Baltimore & Ohio & Chicago R. Co. (Ill.), vol. 3, p. 57.
- Right to question title of land after submission of damages to jury.
- Bellingham Bay & British Columbia R. Co. *v.* Strand (Wash.), vol. 3, p. 171.
- Second appropriation to public use.
- Baltimore, etc., Ry. Co. *v.* Board of Com'rs (Ind.), vol. 20, p. 716.
- Security deposited by railroad company in condemnation proceedings.
- Ligare *v.* Chicago, etc., R. Co. (Ill.), vol. 4, p. 255.

EMINENT DOMAIN—Cont'd.**Side tracks.**

Lake Shore & Mich. Southern Ry. Co. *v.* Baltimore & Ohio & Chicago R. Co. (Ill.), vol. 3, p. 57.

Special charters, right of states.

City of Terre Haute *v.* Evansville, etc., R. Co. (Ind.), vol. 8, p. 760.

Specifying purpose for which condemnation is sought.

Barnes *v.* Chicago R. I. & T. R. Co. (Tex.), vol. 3, p. 28.

Spur track as public use.

In re Minneapolis & St. L. R. Co. *v.* Nicolin (Minn.), vol. 13, p. 445.

Spur track to manufacturing establishments as a public use.

Chicago & N. W. Ry. Co. *v.* Morehouse (Wis.), vol. 23, p. 413.

Stations, power of municipality to take depot grounds for street purposes.

Chicago, Milwaukee & St. Paul R. Co. *v.* Starkweather (Iowa), vol. 3, p. 189.

Statutory essentials in Texas to application by railroad for condemnation of land.

Foster *v.* Chicago, Rock Island & Texas Ry. Co. (Tex.), vol. 3, p. 1.

Street Railways.

Chicago & Calumet Terminal Ry. Co. *v.* Whiting, Hammond & East Chicago St. Ry. Co. (Ind.), vol. 1, p. 181.

Condemnation of franchise of turnpike company.

Baltimore, & Fredericktown Turnpike Road *v.* Baltimore etc., R. Co. (Md.), vol. 3, p. 177.

Condemnation of tracks of one company to the use of another company.

Colonial City Traction Co. *v.* Kingston City R. Co. (N. Y.), vol. 10, p. 327.

Exercise of right by street railway company.

Baltimore & Fredericktown Turnpike Road *v.* Baltimore, etc., R. Co. (Md.), vol. 3, p. 177.

EMINENT DOMAIN—Cont'd.**On country roads.**

Pennsylvania R. Co. *v.* Montgomery County Passenger Ry. Co. (Pa.), vol. 1, p. 190.

Streets.

Alteration of streets by railroad company under municipal authority as a taking of land.

State *v.* Mayor of New Brunswick (N. J.), vol. 3, p. 170.

Authority of city council to extend street across right of way.

City of Terre Haute *v.* Evansville, etc., R. Co. (Ind.), vol. 8, p. 759.

Authority of municipality to authorize railroad company to alter streets.

State *v.* Mayor of New Brunswick (N. J.), vol. 3, p. 170.

Authority of municipality to condemn railroad land for street purposes.

Illinois Cent. R. Co. *v.* City of Chicago (Ill.), vol. 3, p. 181.

Condemnation of land in public street.

State *v.* National Docks, etc., R. Co. (N. J.), vol. 3, p. 26.

Condemnation of land of railroad not used for train service.

Chicago & Northwestern R. Co. *v.* City of Chicago (Ill.), vol. 3, p. 199.

Condemnation of railroad lands for street purposes.

Chicago & N. W. R. Co. *v.* Cicero (Ill.), vol. 3, p. 187.

Construction of bridge across intersecting streets.

Jones *v.* Erie & Pennsylvania R. Co. (Pa.), vol. 3, p. 18.

Extension of streets over railroad yards.

Cincinnati, Wabash & Michigan R. Co. *v.* City of Anderson (Ind.), vol. 3, p. 194.

Land of railroad condemned for street purposes.

Chicago & N. W. R. Co. *v.* Cicero (Ill.), vol. 3, p. 187.

EMINENT DOMAIN—*Cont'd.*

- Measure of damages for condemning land for street purposes.
 Chicago & Northwestern R. Co. *v.* Town of Cicero (Ill.), vol. 3, p. 206.
- Ordinance permitting alteration of streets, necessity of publication.
 State *v.* Mayor of New Brunswick (N. J.), vol. 3, p. 170.
- Power of municipality to take depot grounds for street purposes.
 Chicago, Milwaukee & St. Paul R. Co. *v.* Starkweather (Iowa), vol. 3, p. 189.
- Right of city to extend street across railroad right of way.
 Chicago & Northwestern R. Co. *v.* City of Chicago (Ill.), vol. 3, p. 199.
- Right of owner of unauthorized track in street to compensation for interference therewith.
 Union Elevator Co. *v.* Kansas City S. B. R. Co. (Mo.), vol. 3, p. 130.
- Streets cannot be opened across railroads without compensation to company.
 St. Louis & S. F. R. Co. *v.* Gordon, Mayor (Mo.), vol. 19, p. 561.
- What constitutes contract between municipality and railroad company as to alteration of streets.
 State *v.* Mayor of New Brunswick (N. J.), vol. 3, p. 170.
- Succeeding company liable for compensation.
 Southern Ry. Co. *v.* Hood (Ala.), vol. 19, p. 166.
- Sufficiency of evidence.
 Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Ala.), vol. 13, p. 423.
- Sufficiency of evidence as to whether tracts constituted one farm.
 Westbrook *v.* Muscatine, N. & S. R. Co. (Iowa), vol. 23, p. 835.
- Sufficiency of petition.
 Barnes *v.* Chicago, R. I. T.

EMINENT DOMAIN—*Cont'd.*

- R. Co. (Tex.), vol. 3, p. 28.
- Thomas *v.* St. Louis, etc., Ry. Co. (Ill.), vol. 8, p. 760.
- Suretyship, discharge of sureties to secure damages to land owner by dissolution of corporation prior to condemnation proceedings.
 Keller *v.* Harrisburg & P. R. Co. (Pa. St.), vol. 3, p. 130.
- Taking personal property.
 Becker *v.* Philadelphia & R. T. R. Co. (Pa. St.), vol. 6, p. 174.
- Taking real property for railroad purposes.
 Board of Education *v.* Kanawha & M. R. Co. (W. Va.), vol. 10, p. 767.
- Temporary obstructions.
 Atchison, T. & S. F. R. Co. *v.* Arnold (Kan.), vol. 1, p. 61.
- Chesapeake & O. Ry. Co. *v.* Kobs (Ky.), vol. 1, p. 61.
- Evans *v.* Chicago, St. P., M. & O. R. Co. (Wis.), vol. 1, p. 61.
- Turnpike companies, condemnation of franchise of turnpike company.
 Baltimore, & Frederickstown Turnpike Road *v.* Baltimore, etc., R. Co. (Md.), vol. 3, p. 177.
- View by jury.
 Bigelow *v.* Draper (N. Dak.), vol. 7, p. 771.
- Void ex parte order permitting railroad to take possession.
 Sweeney *v.* Montana Cent. Ry. Co. (Mont.), vol. 22, p. 540.
- Waiver of defects in proceedings.
 Ellsworth *v.* Chicago & I. W. Ry. Co. (Iowa), vol. 3, p. 5.
- Washington statute.
 Seattle & M. R. Co. *v.* State (Wash.), vol. 3, p. 25.
- What passes by right of exercise of eminent domain.
 Lime Rock R. Co. *v.* Farnsworth (Me.), vol. 3, p. 13.
- When condemnation of land necessary.
 Bigelow *v.* Draper (N. Dak.), vol. 7, p. 771.

EMINENT DOMAIN—Cont'd.

Whether instruction made use of land the test as to whether tracts constituted one farm.
Westbrook v. Muscatine N. & S. R. Co. (Iowa), vol. 23, p. 835.

Whether property of railroad company subject to right.
Orleans & J. Ry. Co. v. Jefferson & L. P. Ry. Co. (La.), vol. 16, p. 699.

Whether railroad may exercise right within a city without consent of city.

Ligare v. Chicago, M. & N. R. Co. (Ill.), vol. 9, p. 52.

Whether right to damages passes to grantee of owner at time of condemnation.

Roberts v. Northern Pac. R. Co. (U. S.), vol. 3, p. 106.

Yard and engine house as a public use.

Cincinnati, Wabash & Michigan R. Co. v. City of Anderson (Ind.), vol. 3, p. 194.

EMPLOYEES.

See Fellow Servants.

Master and Servant.

EMPLOYERS' LIABILITY ACTS.

See Constitutional Law.

Fellow Servants.

Master and Servants.

Receivers.

Keatley v. Illinois Central R. Co. (Iowa), vol. 9, p. 1.

Woodward Iron Co. v. Andrews (Ala.), vol. 8, p. 756.

Assumption of Risk.

Assumption of risk and contributory negligence, under employers' liability act of North Carolina.

Coley v. North Carolina R. Co. (N. Car.), vol. 23, p. 885.

Car inspectors, applicability.

Canon v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 9, p. 12.

Constitutionality of.

Pittsburg, C., C. & St. L. Ry. Co. v. Montgomery (Ind.), vol. 9, p. 792.

Constitutionality of employers' liability act of Indiana.

Indianapolis Union Ry. Co. v. Houlihan (Ind.), vol. 21, p. 915.

EMPLOYERS' LIABILITY ACTS—Continued.

Constitutionality of statute preventing employees from waiving benefit of employers' liability act.

Coley v. North Carolina R. Co. (N. Car.), vol. 23, p. 885.

Construction of statute.

Kansas City, etc., Ry. Co. v. Becker (Ark.), vol. 8, p. 759.

English.

McCord v. Cammell (Eng.), vol. 3, p. 451.

Interpretation of Iowa statute.

Keatley v. Illinois Cent. R. Co. (Iowa), vol. 9, p. 1.

Liability for death of fireman of other train through failure to place danger signals on track, Indiana doctrine.

Cowen v. Ray (C. C. A.), vol. 21, p. 531.

Massachusetts statute.

Fairman v. Boston & A. R. Co. (Mass.), vol. 9, p. 83.

Pittsburg, C., C. & St. L. Ry. Co. v. Montgomery (Ind.), vol. 9, p. 792.

Missouri Laws 1898, p. 93, defining the liabilities of railroad corporations to their employees and Mo. Rev. St. 1889, sec. 2666 should be construed together.
Powell v. Sherwood (Mo.), vol. 22, p. 53.

Question for jury whether work of cleaning wrecked train from track, which caused roof of car to fall upon section hand, was being executed so as to expose him to the peculiar hazards of railroad service, within meaning of employers' liability act of Minnesota.

Kreuzer v. Great Northern Ry. Co. (Minn.), vol. 21, p. 912.

ENGINEERS.

See Fellow Servants.

Lookouts.

EQUITABLE CLAIMS.

See Insolvency.

Receivers.

What are equitable claims against a railroad.

Louisville & N. R. Co. v. Central Trust Co. of New York (C. C. A.), vol. 14, p. 820.

EQUITY.*See Jurisdiction.**Nuisances.**Specific Performance.*

Equitable interference in controversy between street railway companies for possession of streets.

West Jersey Traction Co. *v.* Camden Horse R. Co. (N. J.), vol. 1, p. 134.

Necessity of defendant filing cross bill in order to get affirmative relief.

Hendrix *v.* Southern Ry. Co. (Ala.), vol. 23, p. 272.

Preventing multiplicity of suits. Eureka, etc., R. Co. *v.* California, etc., Ry. Co. (C. C. A.), vol. 22, p. 404.

Review of finding of master.

Columbus, S. & H. R. Co. Appeals (C. C. A.), vol. 22, p. 209.

Right to decision on merits.

Lake St. El. R. Co. *v.* Ziegler (C. C. A.), vol. 23, p. 1.

Ziegler *v.* Lake St. El. R. Co. (C. C. A.), vol. 23, p. 1.

Street railroad claiming rights obtained by unconscionable method.

Tamaqua & L. St. R. Co. *v.* Inter-County St. R. Co. (Pa. St.), vol. 1, p. 198.

EQUITY JURISDICTION.*See Jurisdiction.***ERROR.***See Appeal.**Harmless Error.*

Assignments of.

Felton *v.* Clarkson (Tenn.), vol. 17, p. 300.

Georgia, S. & F. Ry. Co. *v.* Southern Ry. Eq. Co. (Ga.), vol. 15, p. 295.

Harmless error.

Chicago G. W. Ry. Co. *v.* Price (C. C. A.), vol. 16, p. 324.

Hunter *v.* Montana Cent. Ry. Co. (Mont.), vol. 16, p. 615.

Norfolk & W. R. Co. *v.* Marpole (Va.), vol. 16, p. 291.

ESCAPE OF STEAM.*See Frightening Horses.***ESTOPPEL.***See Baggage.**Bondholders.***ESTOPPEL—Continued.***See Eminent Domain.**Instructions.**Leases and Running Powers.**Pleading.**Right of Way.**Taxation.**Tickets and Fares.**Ultra Vires.*

City of Charlottesville *v.* Southern Ry. Co. (Va.), vol. 16, p. 600.

Dangerfield *v.* Atchison, T. & S. F. Ry. Co. (Kan.), vol. 17, p. 650.

Carrier not estopped to explain or contradict bill of lading or shipping receipt where the goods were not actually received.

Lake Shore & M. S. R. Co. *v.* National Live-Stock Bank (Ill.), vol. 13, p. 1.

Denying corporate existence.

Petty *v.* Brunswick & W. Ry. Co. (Ga.), vol. 16, p. 840.

Eminent domain, estoppel of owner to dispute right of municipality to easement in land used by railroad company. Dennis Long & Co. *v.* City of Louisville (Ky.), vol. 3, p. 213.

Equitable estoppel of owner of homestead from evicting railroad, under laws of Alabama. Hendrix *v.* Southern Ry. Co. (Ala.), vol. 23, p. 272.

Equitable estoppel to action in ejectment to recover right of way.

Scarritt *v.* Kansas City, O. & S. Ry. Co. (Mo.), vol. 15, p. 809.

Estoppel in pais does not arise from conduct of one party to transaction where other party was not misled, and suffered no injury therefrom.

Columbus, S. & H. R. Co. Appeals (C. C. A.), vol. 22, p. 209.

Estoppel of defendant to claim that plaintiff proved a fact where the court erroneously rejected competent evidence to prove it on defendant's objection.

Missouri, K. & T. Ry. Co. *v.* Elliott (C. C. A.), vol. 18, p. 715.

ESTOPPEL—Continued.

- Estoppel to deny legality of railroad aid tax.
Vicksburg, S. & P. R. Co. v. Scott, Sheriff (La.), vol. 17, p. 745.
- Municipal aid.
Town Council of Lexington v. Union Nat. Bank (Miss.), vol. 9, p. 321.
- Municipal authorities estopped, by acquiescence and affirmative acts from denying right of company to maintain its track in street.
City of Chicago v. Union Stock-Yard & Transit Co. (Ill.), vol. 7, p. 490.
- Railroad served as corporation and not making plea of null corporation is estopped to deny that it is a corporation.
Chicago & A. R. Co. v. Glenn (Ill.), vol. 12, p. 839.
- Relief associations.
Eckman v. Chicago, B. & Q. R. Co. (Ill.), vol. 9, p. 308.
Maine v. Chicago, B. & Q. R. Co. (Iowa), vol. 9, p. 299.

Streets.

- The fact that both plaintiff and defendant own lands abutting on a street by titles derived through mesne conveyances from the same source does not estop defendant from occupying such street for railroad purposes, such fact not establishing contractual relations between plaintiff and defendant.
Bond v. Pennsylvania Co. (Ill.), vol. 10, p. 118.

EVICITION.

See Trespassers.

EVIDENCE.

- See Accidents on Track.*
Abutters.
Admissions.
Adverse Possession.
Agency.
Baggage.
Bills of Lading.
Burden of Proof.
Carriers of Freight.
Carriers of Goods.
Carriers of Live Stock.
Carriers of Passengers.
Character in Evidence.
Children.

EVIDENCE—Continued.

- See Collisions.*
Connecting Carriers.
Contributory Negligence.
Crossings.
Damages.
Death by Wrongful Act.
Declarations.
Electric Railroads.
Elevated Railroads.
Eminent Domain.
Estoppel.
Expert and Opinion Evidence.
Fellow Servants.
Fences.
Fires.
Frightening Teams.
Hearsay Evidence.
Interrogatories.
Interstate Commerce Commission.
Judicial Notice.
Master and Servant.
Mortality Tables.
Mortgages.
Negligence.
Nonsuit.
Parol Evidence.
Personal Injuries.
Res Gestæ.
Right of Way.
Stations.
Stock, Injuries to.
Street Railroads.
Tickets and Fares.
Trespassers.
Trial.
Usages and Customs.
Water and Watercourses.
Witnesses.
- Alabama Mid. Ry. Co. v. Darby (Ala.)*, vol. 13, p. 105.
Bradley v. Second Ave. R. Co. (N. Y.), vol. 12, p. 184.
Jackson v. Kansas City, etc., R. Co. (Mo.), vol. 19, p. 99.
Lumberman's Mut. Ins. Co. v. Kansas City, Ft. S. & M. R. Co. (Mo.), vol. 14, p. 127.
Missouri, K. & T. Ry. Co. v. Elliott (Ind. Ter.), vol. 14, p. 587.
Ranchau v. Rutland R. Co. (Vt.), vol. 14, p. 416.
Scott v. St. Louis, etc., R. Co. (Iowa), vol. 19, p. 63.
- Accidents on Track.**
 Admissibility of evidence in action to recover for injuries to boy on street car

EVIDENCE—Continued.

- track, whether motorman could have seen him.
 Baltimore City Pass. Ry. Co. *v.* Cooney (Md.), vol. 11, p. 759.
- Admissibility of evidence of ownership of locus in quo under allegation of general ownership, in action for injuries on track.
 Cederson *v.* Oregon R. & Nav. Co. (Ore.), vol. 22, p. 655.
- Admissibility of evidence that engineer was competent, in action for injury to person on track.
 Hasie *v.* Alabama & V. Ry. Co. (Miss.), vol. 20, p. 551.
- Fact that employee was not aware that he was violating ordinance cannot be shown.
 Central of Georgia Ry. Co. *v.* Bond (Ga.), vol. 17, p. 757.
- Harmless error in admitting evidence of existence of ordinance requiring gripman to exercise vigilance to prevent accidents.
 Schmidt *v.* St. Louis R. Co. (Mo.), vol. 22, p. 711.
- Negligence, sufficiency of evidence.
 Ruppert *v.* Brooklyn Heights R. Co. (N. Y.), vol. 11, p. 873.
- Presumption that deaf pedestrian seen near track will avoid danger.
 Piskorowski *v.* Detroit, etc., Ry. Co. (Mich.), vol. 19, p. 120.
- Presumption that person seen on right of way will keep out of danger.
 Jackson *v.* Kansas City, etc., R. Co. (Mo.), vol. 19, p. 100.
- Presumption that trespassers will leave track to escape train.
 Southern Ry. Co. *v.* Bush (Ala.), vol. 19, p. 46.
- Refusal to permit plaintiff to testify as to why he was on street railway track.
 Floyd *v.* Paducah Railway & Light Co. (Ky.), vol. 23, p. 167.

EVIDENCE—Continued.

- Trestle.
 Little *v.* Carolina Cent. R. Co. (N. Car.), vol. 7, p. 772.
- Accuracy of photographs.
 New York, S. & W. R. Co. *v.* Moore (C. C. A.), vol. 21, p. 462.
- Admissibility of evidence of compromise with persons having similar claims.
 St. Louis, etc., Ry. Co. *v.* Stewart (Ark.), vol. 20, p. 571.
- Admissibility of evidence of similar accident in action for personal injuries.
 Shaw *v.* Chicago & G. T. Ry. Co. (Mich.), vol. 18, p. 131.
- Admissibility of evidence of subsequent repairs.
 Louisville & N. R. Co. *v.* Henry (Ky.), vol. 11, p. 405.
- Admissibility to support abandoned theory of case.
 Merrieles *v.* Wabash R. Co. (Mo.), vol. 22, p. 158.
- Agency, authority of agent to make contract.
 Bigelow *v.* Chicago, B. & N. Ry. Co. (Wis.), vol. 17, p. 341.
- Ancient deeds.
 Thompson *v.* Louisville & N. R. Co. (Ky.), vol. 21, p. 665.
- Baggage.
 Admissibility of rule requiring baggage masters to exact release of liability from drummers as condition precedent to checking sample trunks.
 Trimble *v.* New York Cent. & H. R. R. Co. (N. Y.), vol. 17, p. 176.
- Parol testimony to prove contents of depot placard.
 Goldberg *v.* Ahnapee & W. Ry. Co. (Wis.), vol. 17, p. 65.
- Bills of Lading.
 Admissibility of testimony of railroad agent to explain technical words in bill of lading.
 Mouton *v.* Louisville & N. R. Co. (Ala.), vol. 20, p. 673.

EVIDENCE—Continued.

Marking on bills of lading as evidence.

Miller Grain & Elevator Co. v. Union Pac. Ry. Co. (Mo.), vol. 8, p. 1.

Parol evidence to vary bill of lading.

McElveen v. Southern Ry. Co. (Ga.), vol. 15, p. 842.

Parol evidence to vary shipping contracts and bills of lading.

Stewart v. Cleveland, C., C. & St. L. Ry. Co. (Ind.), vol. 13, p. 28.

Carriers of Goods.

Admissibility of official reports of connecting carrier in action for loss of goods.

Gwyn Harper Mfg. Co. v. Carolina Cent. R. Co. (N. Car.), vol. 21, p. 429.

Burden of proof where carrier's liability is limited.

Crawford v. Southern Ry. Co. (S. Car.), vol. 19, p. 18.

Existence of freight rates.

Ward v. Missouri Pac. Ry. Co. (Mo.), vol. 19, p. 30.

Misdelivery of goods.

Hamilton v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 8, p. 526.

Parol evidence as to distinction between transportation service and transfer service.

Dixon v. Central of Georgia Ry. Co. (Ga.), vol. 17, p. 380.

Reasonableness of state rates.

Northern Pac. Ry. Co. v. Keyes (C. C. N. Dak.), vol. 13, p. 128.

Sufficiency of, to prove custom changing carrier's liability as warehouseman.

Georgia & A. Ry. Co. v. Pound (Ga.), vol. 17, p. 398.

Carriers of Live Stock.

Admissibility of evidence in action for injury to stockmen.

Louisville & N. R. Co. v. Bell (Ky.), vol. 8, p. 413.

Admissibility of testimony of agent of connecting road in

EVIDENCE—Continued.

action for injury to stock in transit.

Milam v. Southern Ry. Co. (S. Car.), vol. 18, p. 253.

Sufficiency of, in action to recover for depreciation in value of stock caused by delay in furnishing.

St. Louis, I. M. & S. Ry. Co. v. Law (Ark.), vol. 18, p. 286.

Carriers of Passengers.

Action for wrongful ejection of passengers.

Lexington & E. Ry. Co. v. Lyons (Ky.), vol. 11, p. 212.

Admissibility of evidence as to train being behind time where plaintiff contended that he had not time to alight.

Killian v. Georgia R., etc., Co. (Ga.), vol. 5, p. 695.

Admissibility of evidence of passenger's business and profits.

Chicago, R. I. & P. Ry. Co. v. Posten (Kan.), vol. 11, p. 138.

Admissibility of evidence that a culvert was covered after an accident.

Fisher v. Paxson (Pa.), vol. 8, p. 516.

Admissibility of, in action by passenger injured by mail pouch thrown from train.

Shaw v. Chicago & G. T. Ry. Co. (Mich.), vol. 18, p. 131.

Admissibility of rule of post-office department in action to recover for death of mail clerk.

Chicago & A. R. Co. v. Kelly (Ill.), vol. 17, p. 52.

Competency of evidence to show that intoxicated passenger, who was injured, purchased beer in station.

Cutler v. Concord & M. R. R. (N. H.), vol. 18, p. 760.

Evidence in action by passenger for wrongful ejection.

Spink v. Louisville & N. R. Co. (Ky.), vol. 16, p. 86.

EVIDENCE—Continued.

- Evidence in action by passenger to recover for being carried beyond destination.
St. Louis, I. M. & S. Ry. Co. v. Power (Ark.), vol. 16, p. 1.
- Evidence of custom to assist departing passengers.
International & G. N. R. Co. v. Satterwhite (Tex. Civ. App.), vol. 12, p. 215.
- Injuries to passengers on street railway.
West Chicago St. Ry. Co. v. Kennelly (Ill.), vol. 9, p. 359.
- Parol testimony to prove contents of placard.
St. Louis & S. F. Ry. Co. v. Kilpatrick (Ark.), vol. 17, p. 212.
- Presumption of negligence from injury to passenger.
Whitney v. New York, etc., R. Co. (C. C. A.), vol. 19, p. 184.
- Reasons of plaintiff for attempting to alight from moving train admissible in action for injuries caused thereby.
International & G. N. Ry. Co. v. Satterwhite (Tex. Civ. App.), vol. 12, p. 215.
- Records of former suit as evidence, in action for ejection of passenger.
Chamberlain v. Lake Shore & M. S. Ry. Co. (Mich.), vol. 17, p. 241.
- Statement that passenger left train before he was in danger.
Hoehn v. Chicago P. & St. L. R. Co. (Ill.), vol. 2, p. 383.
- Sufficiency of evidence of malice and wantonness in action for ejection of passenger.
Ristine v. Blocker (Colo.), vol. 18, p. 139.
- Conflicting evidence.
Louisville & N. R. Co. v. Taafe (Ky.), vol. 15, p. 693.
- Connecting Carriers.**
 Sufficiency of as to joint

EVIDENCE—Continued.

- liability of two companies for personal injuries.
Chesapeake & O. Ry. Co. v. Davis (Ky.), vol. 19, p. 711.
- Traffic agreements.
Post v. Southern Ry. Co. (Tenn.), vol. 16, p. 201.
- Crossings.**
 Admissibility of evidence of ordinance fixing maximum rate of speed where the ordinance is not pleaded.
Illinois Cent. R. Co. v. Ashline (Ill.), vol. 9, p. 702.
- Admissibility of on issue as to rate of speed of train.
Knopf v. Philadelphia, W. & B. R. Co. (Del.), vol. 20, p. 172.
- Admissibility where statutory provision not applicable.
Willingham v. Macon & B. Ry. Co. (Ga.), vol. 21, p. 340.
- Admissions of servant as to speed, admissibility of evidence as to, on redirect examination.
Mott v. Detroit, G. H. & M. Ry. Co. (Mich.), vol. 15, p. 113.
- As to signals and speed.
Daubert v. Delaware, L. & W. R. Co. (Pa.), vol. 21, p. 456.
- Custom as to giving crossing signals.
Mackrall v. Omaha & St. L. R. Co. (Iowa), vol. 19, p. 59.
- Description of crossing and admissibility of opinion evidence as to the relative dangers of places to stop, look and listen.
Cookson v. Pittsburgh & W. R. Co. (Pa.), vol. 6, p. 340.
- Diagram of crossing.
Western & A. R. Co. v. Stafford (Ga.), vol. 5, p. 172.
- Evidence as to whether safety gates at crossing were open or not admissible in action for injuries at crossing.
Overtoom v. Chicago & E. I. R. Co. (Ill.), vol. 15, p. 849.

EVIDENCE—*Continued.*

Evidence of care and sobriety repels inference of negligence at crossing.

Missouri Pac. Ry. Co. v. Moffatt (Kan.), vol. 12, p. 397.

Evidence of habit of falling asleep while crossing track.
Dalton v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 460.

Evidence of other failures to give signals at crossings inadmissible.

Chicago, R. I. & T. Ry. Co. v. Porterfield (Tex.), vol. 12, p. 383.

Evidence of speed at crossing prohibited by company's rules admissible as tending to show absence of contributory negligence.

Davis v. Concord & M. R. R. (N. H.), vol. 19, p. 68.

Evidence that deceased was killed by train backing without warning at a point habitually used as a crossing is sufficient to take the case to the jury.

Cox v. Norfolk & C. R. Co. (N. Car.), vol. 12, p. 390.

Failure to give signals.

Illinois Cent. R. Co. v. Ashline (Ill.), vol. 9, p. 702.

Failure to look and listen at crossing shown by circumstances.

Hook v. Missouri Pac. Ry. Co. (Mo.), vol. 21, p. 787.

Failure to place watchman at crossing where there is an electric signal bell.

Northern Cent. Ry. Co. v. Medairy (Md.), vol. 7, p. 526.

Habits of deceased as evidence of his due care at crossings.

Smith v. Boston & M. E. R. (N. H.), vol. 19, p. 320.

Habits of deceased as to carefulness at crossings.

Davis v. Concord & M. R. R. (N. H.), vol. 19, p. 68.

In an action against a railway company to recover for injuries caused to an employee by alleged negligence in planking a

EVIDENCE—*Continued.*

crossing, evidence of the condition upon which the company received its street rights is admissible.

Valley Ry. Co. v. Keegan (C. C. A.), vol. 11, p. 507.

Negative evidence as to crossing signals.

Mackrall v. Omaha & St. L. R. Co. (Iowa), vol. 19, p. 59.

Ordinance limiting speed admissible as evidence in action for injury at crossing.

Overtom v. Chicago & E. I. R. Co. (Ill.), vol. 15, p. 849.

Speed of train, in action for injury at crossing.

Overtom v. Chicago & E. I. R. Co. (Ill.), vol. 15, p. 849.

Sufficiency of evidence of failure to give signals.

Lamoureux v. New York, N. H. & H. R. Co. (Mass.), vol. 9, p. 245.

Sufficiency of evidence of speed of street car.

Schneider v. Market St. Ry. Co. (Cal.), vol. 23, p. 692.

That signals were maintained at other crossings.

McGovern v. Smith (Vt.), vol. 23, p. 690.

Cumulative evidence.

Chicago G. & W. Ry. Co. v. Price (C. C. A.), vol. 16, p. 324.

Customs, evidence as to custom in regard to delivery of cars in foreign yard, in action for injury to employee of another company.

Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.

Customs, evidence of custom of other companies as to equipment of switchyards not admissible.

Chicago & E. I. R. Co. v. Driscoll (Ill.), vol. 12, p. 644.

Damages.

Admissibility of evidence as to pecuniary condition of defendant where plaintiff is seeking to recover punitive damages.

Pullman Palace Car Co. v. Lawrence (Miss.), vol. 8, p. 59.

EVIDENCE—Continued.

- Admissibility of evidence of defendant's wealth where punitive damages are claimed.
 Nashville St. R. R. v. O'Bryan (Tenn.), vol. 22, p. 902.
- Admissibility of evidence of husband's subsequent marriage an action for death of wife.
 Gulf, C. & S. F. Ry. Co. v. Younger (Tex.), vol. 8, p. 84.
- Admissibility of evidence of wages in another employment.
 Grimmelman v. Union Pac. Ry. Co. (Iowa), vol. 8, p. 322.
- Annuity tables.
 Kerrigan v. Pennsylvania R. Co. (Pa.), vol. 16, p. 835.
- Annuity tables as, in action for permanent injuries.
 Crouse v. Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 780.
- Carlisle life tables.
 Kerrigan v. Pennsylvania R. Co. (Pa.), vol. 16, p. 835.
- Dependence, in action for death by wrongful act.
 Chicago, P. & St. L. R. Co. v. Woolridge (Ill.), vol. 13, p. 501.
- Green v. Southern Pac. Co. (Cal.), vol. 13, p. 511.
- Domestic conduct as bearing upon pecuniary injury.
 Union Pac. Ry. Co. v. Sternberger (Kan.), vol. 12, p. 745.
- Evidence as to cost of medical services, in action for personal injuries.
 Robertson v. Wabash R. Co. (Mo.), vol. 16, p. 16.
- Evidence as to decedent's surviving family.
 Louisville & N. R. Co. v. Taaffe (Ky.), vol. 15, p. 693.
- Evidence as to dependants in computing damages.
 Alabama Mineral R. Co. v. Jones (Ala.), vol. 8, p. 383.
- Evidence as to measure of damages in action against

EVIDENCE—Continued.

- railway company to recover for gravel removed.
 Illinois Cent. R. Co. v. Le Blanc (Miss.), vol. 11, p. 838.
- Evidence as to number of children admissible, in action for wrongful death.
 Illinois C. R. Co. v. Davis (Tenn.), vol. 18, p. 708.
- Evidence of circumstances of surviving parent, in action for death of parent.
 Gulf, C. & S. F. Ry. Co. v. Younger (Tex.), vol. 8, p. 84.
- Evidence of physical condition of decedent's mother, in action for wrongful death.
 Norfolk & W. Ry. Co. v. Stevens (Va.), vol. 16, p. 468.
- Evidence of probable future suffering.
 Omaha St. Ry. Co. v. Emminger (Neb.), vol. 12, p. 188.
- Evidence tending to aggravate exemplary damages admissible.
 Gillman v. Florida Cent. & P. R. Co. (S. Car.), vol. 12, p. 125.
- Family relations, in action to recover for personal injuries.
 Crouse v. Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 780.
- Horse's disposition.
 Illinois Cent. R. Co. v. Griffin (Ill.), vol. 17, p. 767.
- Life expectancy.
 Alabama Mineral R. Co. v. Jones (Ala.), vol. 8, p. 383.
- Life tables.
 Atchison, T. & S. F. Ry. Co. v. Ryan (Kan.), vol. 21, p. 684.
- Kerrigan v. Pennsylvania R. Co. (Pa.), vol. 16, p. 835.
- Sax v. Detroit, etc., Ry. Co. (Mich.), vol. 20, p. 653.
- Trott v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 391.

EVIDENCE—Continued.

Market quotations.

Norfolk & W. Ry. Co. *v.*
Reeves (Va.), vol. 16, p.
166.

Market reports as evidence in
action to recover for delay
in carriage of live stock.

Missouri, K. & T. Ry. Co. *v.*
Truskett (Ind. Ter.), vol.
17, p. 273.

Mortality tables in action
for breach of contract of
employment which master
could terminate whenever
services were not satisfac-
tory.

Sax *v.* Detroit, etc., Ry.
Co. (Mich.), vol. 20, p.
653.

Of value.

Southern Ry. Co. *v.* Wil-
liams (Ga.), vol. 22, p.
415.

Pedigree of horse.

Louisville & N. R. Co. *v.*
Kice (Ky.), vol. 20, p. 45.

Pedigree of trotting horse, in
action for injuries to horse.

Pittsburg, C., C. & St. L.
Ry. Co. *v.* Sheppard
(Ohio), vol. 6, p. 528.

Poverty of plaintiff.

Alabama G. S. R. Co. *v.*
Carroll (C. C. A.), vol.
9, p. 759.

Proof of husband's circum-
stances and financial con-
dition.

Thoresen *v.* La Crosse City
R. Co. (Wis.), vol. 6,
p. 102.

Severity of examination
made by physician.

Goodhart *v.* Pennsylvania
R. Co. (Pa.), vol. 5, p. 364.

Death by Wrongful Act.

Admissions of deceased as
evidence in action for death
by wrongful act.

Helman *v.* Pittsburg, C., C.
& St. L. Ry. Co. (Ohio),
vol. 11, p. 641.

Interrogatories for a discov-
ery may be propounded to
defendant railroad in civil
action for wrongful death
under Alabama statute.

Southern Ry. Co. *v.* Bush
(Ala.), vol. 19, p. 47.

Sufficiency of, in action to

EVIDENCE—Continued.

recover for death by wrong-
ful act.

Alabama Min. R. Co. *v.*
Jones (Ala.), vol. 15, p.
752.

Declarations.

Barrett *v.* New York Cent.
& H. R. R. Co. (N. Y.),
vol. 15, p. 578.

Declaration of engineer.

Mason *v.* Southern Ry. Co.
(S. Car.), vol. 19, p. 83.

Declarations of infant.

Atchison, T. & S. F. Ry.
Co. *v.* Potter (Kan.), vol.
15, p. 660.

Declarations of present suffer-
ing.

Beath *v.* Rapid Ry. Co.
(Mich.), vol. 15, p. 793.

Evidence of conversation ad-
missible.

Denver & R. G. R. Co. *v.*
Spencer (Colo.), vol. 18,
p. 236.

Of agents.

Maxson *v.* Mich. Cent. R.
Co. (Mich.), vol. 14, p.
823.

Of brakeman to injured boy
inadmissible as statement
of a conclusion and not a
fact.

Scott *v.* St. Louis, etc., R.
Co. (Iowa), vol. 19, p. 63.

Of conductor as part of res
gestæ:

Means *v.* Carolina Cent.
R. Co. (N. Car.), vol.
14, p. 363.

Of deceased agent.

Missouri, K. & T. Ry. Co.
v. Byrne (Ind. Ter.), vol.
13, p. 17.

Of employee, not part of res
gestæ, are inadmissible.

Weinkle *v.* Brunswick &
W. R. Co. (Ga.), vol. 14,
p. 50.

Of engineer showing malice
in action for injury to cat-
tle in transit admissible.

Crawford *v.* Southern Ry.
Co. (S. Car.), vol. 19,
p. 17.

Of plaintiff with respect to
her injuries

Hall *v.* Cedar Rapids, etc.,
Ry. Co. (Iowa), vol. 23,
p. 316.

EVIDENCE—Continued.

Res gestæ.

Heckle v. Southern Pac. Co. (Cal.), vol. 15, p. 584.

Deed is not competent as evidence of grantee's title where no title is shown in grantor.

Pollock v. Maysville & B. S. R. Co. (Ky.), vol. 14, p. 821.

Demurrer to.

Sanders v. Chicago, R. I. & P. Ry. Co. (Okla.), vol. 18, p. 244.

Depositions of accessible witnesses.

Texas & P. Ry. Co. v. Wilder (C. C. A.), vol. 13, p. 520.

Deposition of widow of deceased taken without notice to plaintiff not admissible as statement against interest.

Union Pac. Ry. Co. v. Sternberger (Kan.), vol. 12, p. 745.

Effect of demurrer to special pleas in which a contract is not set up as a defense on the admissibility of the contract under the general issue.

Blank v. Illinois Cent. R. Co. (Ill.), vol. 16, p. 6.

Eminent Domain.

Damages in condemnation proceedings.

Union Term. R. Co. v. Peet Bros. Mfg. Co. (Kan.), vol. 13, p. 851.

Error to admit evidence of benefit to plaintiffs from construction of road in action to recover for condemnation of land.

Hamilton v. Pittsburg, B. & L. E. R. Co. (Pa.), vol. 13, p. 376.

Sufficiency of, in condemnation proceedings.

Mobile & O. R. Co. v. Postal Tel. Cable Co. (Ala.), vol. 13, p. 423.

View by jury in condemnation proceedings.

Chicago, R. I. & P. Ry. Co. v. Farwell (Neb.), vol. 17, p. 687.

Error in not granting order for the production of papers is harmless, if the evidence

EVIDENCE—Continued.

is obtained in another manner.

Parker v. South Carolina & G. R. Co. (S. Car.), vol. 6, p. 731.

Expert and Opinion Evidence.

Blondel v. St. Paul City R. Co. (Minn.), vol. 6, p. 272.

Central of Georgia Ry. Co. v. Bond (Ga.), vol. 17, p. 757.

Cobb v. St. Louis & H. Ry. Co. (Mo.), vol. 13, p. 632.

Goodhart v. Pennsylvania R. Co. (Pa.), vol. 5, p. 364.

Hasie v. Alabama & V. Ry. Co. (Miss.), vol. 20, p. 552.

International & G. N. R. Co. v. Satterwhite (Tex. Civ. App.), vol. 12, p. 214.

Missouri, K. & T. Ry. Co. v. Merrill (Kan.), vol. 17, p. 471.

St. Louis & S. W. Ry. Co. v. Elgin Con. Milk Co. (Ill.), vol. 13, p. 112.

As to what are proper appliances.

Louisville & N. R. Co. v. Jones (Ala.), vol. 23, p. 224.

Benefit to railroads at highway crossings.

Hook v. Chicago & A. R. Co. (Mo.), vol. 3, p. 447.

Car wheels, tests.

Pittsburg, C., C. & St. L. Ry. Co. v. Sheppard (Ohio), vol. 6, p. 528.

Cattle guards, opinion evidence to effect that guard could not be constructed without danger to employees.

Chicago, R. I. & P. R. Co. v. Clonch (Kan. App.), vol. 3, p. 240.

Cross-examination of expert.

Williams v. Great Northern Ry. Co. (Minn.), vol. 7, p. 230.

Damage caused to property by fire.

Chicago & A. R. Co. v. Glenn (Ill.), vol. 12, p. 839.

EVIDENCE—Continued.

Delay in transportation of live stock.

St. Louis, I. M. & S. Ry. Co. v. Edwards (C. C. A.), vol. 8, p. 402.

Eminent domain, real estate experts.

Struthers v. Philadelphia & D. C. R. Co. (Pa.), vol. 4, p. 207.

Eminent domain, value of railroad property condemned for street purposes. Chicago & N. W. R. Co. v. Cicero (Ill.), vol. 3, p. 188.

Eminent domain, witness testifying as to the value of the land.

Chicago & G. T. R. Co. v. Burden (Ind. App.), vol. 3, p. 447.

Expert evidence of physician as to cause and permanency of injuries based on complaint of patient.

Denver & R. G. R. Co. v. Roller (C. C. A.), vol. 18, p. 595.

Expert evidence, when admissible.

Baxter v. Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 476.

Expert knowledge not required in order to be competent to testify to speed of train.

Mcvey v. Chesapeake & O. Ry. Co. (W. Va.), vol. 13, p. 788.

Expert may testify as to proper performance of track walker's duty.

Galveston, H. & H. R. Co. v. Bohan (Tex.), vol. 12, pp. 491, 492.

Expert testimony as to bridge material.

Bush v. Delaware L. & W. R. Co. (N. Y.), vol. 21, p. 516.

Expert testimony as to distance within which car may be stopped.

Traver v. Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.

Expert testimony as to what is an accommodation train.

Gray v. Chicago, M. & St. P. Ry. Co. (Ill.), vol. 21, p. 252.

EVIDENCE—Continued.

Expert testimony, loss in value of cattle.

Missouri, etc., Ry. Co. v. Truskett (C. C. A.), vol. 19, p. 618.

Expression of opinion by witness.

Felska v. New York Cent. & H. R. Co. (N. Y.), vol. 7, p. 772.

Hypothetical questions.

Baxter v. Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 476.

Burnett v. Wilmington, etc., R. Co. (N. Car.), vol. 7, p. 773.

Denver & R. G. R. Co. v. Roller (C. C. A.), vol. 18, p. 595.

Missouri Pac. Ry. Co. v. Fox (Neb.), vol. 12, p. 864.

Williams v. Great Northern Ry. Co. (Minn.), vol. 7, p. 230.

Hypothetical questions to medical experts.

Crouse v. Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 780.

Schaidler v. Chicago & N. W. Ry. Co. (Wis.), vol. 15, p. 105.

Inspector of street railways.

Laufer v. Bridgeport Traction Co. (Conn.), vol. 7, p. 787.

Live stock, value of.

Missouri, K. & T. R. Co. v. Woods (Tex.), vol. 2, p. 519.

Williams v. Houston & Texas Cent. R. Co. (Tex.), vol. 2, p. 533.

Master mechanic of street railway may testify, in action by a boy to recover for personal injuries, as to whether boy could ride by hanging on ledge of car, which caused injury, but cannot testify as to other cars.

Baltimore City Pass. Ry. Co. v. Cooney (Md.), vol. 11, p. 759.

Matters of common knowledge.

Missouri Pac. Ry. Co. v. Fox (Neb.), vol. 12, p. 864.

EVIDENCE—Continued.

Medical experts.

Lehigh & H. Ry. Co. v.
Marchant (C. C. A.), vol.
10, p. 748.

Nonexperts.

Handley v. Missouri Pac.
Ry. Co. (Kan.), vol. 16,
p. 674.

Nonexpert testimony as to
mental and bodily condition
of party injured.

Cleveland, C. & St. L.
Ry. Co. v. Gray (Ind.),
vol. 8, p. 48.

Nonexpert testimony as to
speed at crossing.

Louisville & N. R. Co. v.
Stewart (Ala.), vol. 21,
p. 34.

Opinion.

Chicago G. W. Ry. Co. v.
Price (C. C. A.), vol. 16,
p. 324.

Jacob v. Flint & P. M. R.
Co. (Mich.), vol. 2, p.
383.

Opinion evidence as to au-
thority to start engine,
in action for injury to em-
ployee.

Wimber v. Iowa Cent. Ry.
Co. (Iowa), vol. 23, p.
476.

Opinion evidence as to cause
of injury to employee.

Trott v. Chicago, R. I. &
P. Ry. Co. (Iowa), vol.
21, p. 391.

Opinion evidence as to con-
dition of freight delayed in
transportation.

Illinois Cent. R. Co. v.
Foulks (Ill.), vol. 23, p.
664.

Opinion evidence as to dam-
ages in condemnation pro-
ceedings.

Kay v. Glade Creek & R. R.
Co. (W. Va.), vol. 17, p.
695.

Opinion evidence as to habit-
ual carefulness on the part
of engineer.

Mosnat v. Chicago & N. W.
Ry. Co. (Iowa), vol. 21,
p. 609.

Opinion evidence as to power
of station agent to employ
guard for station.

Lipscomb v. Houston, etc.,
Ry. Co. (Tex.), vol. 23,
p. 401.

EVIDENCE—Continued.Opinion evidence as to ques-
tion for jury's determina-
tion not competent.

McGeary v. Old Colony R.
R. (R. I.), vol. 14, p. 764.

Opinion evidence as to speed
of car.

Mott v. Detroit, G. H. &
M. Ry. Co. (Mich.), vol.
15, p. 113.

Opinion evidence of owner
as to damages to live stock
in transit.

Milam v. Southern Ry. Co.
(S. Car.), vol. 18, p. 253.

Opinion of doctor as to con-
dition of plaintiff.

Holman v. Union St. Ry.
Co. of Saginaw (Mich.),
vol. 9, p. 105.

Opinion of doctor as to
whether plaintiff's condi-
tion was the result of her
injuries.

Holman v. Union St. Ry.
Co. of Saginaw (Mich.),
vol. 9, p. 105.

Opinion of expert as to neces-
sity of employing track
walkers admissible.

Galveston, H. & H. R. Co.
v. Bohan (Tex.), vol. 12,
pp. 491, 492.

Opinion of physicians.

Lambertson v. Consolidated
Traction Co. (N. J.), vol.
9, p. 355.

Opinion of physician as to
cause of injury to nervous
system.

Baltimore City Pass. Ry.
Co. v. Baer (Md.), vol.
22, p. 662.

Opinion of witness as to bene-
fit to land from construc-
tion of road.

Sewall v. Chicago Term.
Trans. R. Co. (Ill.), vol.
13, p. 387.

Opinion of witness is not
competent as to matter for
the jury to determine from
common knowledge.

Louisville & N. R. Co. v.
Milliken (Ky.), vol. 14, p.
742.

Party cannot be required to
answer interrogatory call-
ing for opinion as to cause
of railroad collision.

Robbins v. Brockton St.
Ry. Co. (Mass.), vol. 23,
p. 483.

EVIDENCE—Continued.

Persons familiar with locus in quo may testify as to whether view was obstructed.

Baltimore & O. R. Co. *v.* Hellenthal (C. C. A.), vol. 13, p. 774.

Physicians allowed to give opinion as to percentage of patients who recover.

Budd *v.* Salt Lake City R. Co. (Utah), vol. 22, p. 7.

Physicians allowed to testify as to how long a person would probably suffer and be unable to work.

Budd *v.* Salt Lake City R. Co. (Utah), vol. 22, p. 7.

Physicians competent to testify as to reasonableness of bill for medical services.

Ward *v.* Ohio River & C. Ry. Co. (S. Car.), vol. 12, p. 854.

Physician's testimony.

Austin & N. W. R. Co. *v.* McElmurry (Tex. Civ. App.), vol. 3, p. 445.

Holman *v.* Union St. Ry. Co. of Saginaw (Mich.), vol. 9, p. 105.

Qualification of witnesses.

Southern Pac. Co. *v.* Arnett (C. C. A.), vol. 23, p. 794.

Range given to admission of.

Galveston, H. & H. R. Co. *v.* Bohan (Tex.), vol. 12, p. 492.

Refusal to allow witness to testify as expert where qualification as such is not shown not error.

Creswell *v.* Wilmington & N. R. Co. (Del.), vol. 14, p. 625.

That steel rails were properly loaded upon car.

McCray *v.* Galveston, H. & S. A. R. Co. (Tex.), vol. 3, p. 276.

The opinion of a freightboat captain, based upon the appearance of broken glass, that its fracture had been caused by a wreck on a railroad, is not admissible as expert evidence of such fact.

United States Mail Line Co. *v.* Carrollton Furniture Mfg. Co. (Ky.), vol. 9, p. 286.

EVIDENCE—Continued.

Value of.

Baxter *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 476.

Who competent to give.

Baxter *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 477.

Fences, sufficiency of evidence of defects.

Goodrich *v.* Kansas City, etc., Ry. Co. (Mo.), vol. 19, p. 137.

Fires.

Brown *v.* Benson (Ga.), vol. 5, p. 316.

Dunning *v.* Maine Cent. R. Co. (Me.), vol. 9, p. 574.

Thomas *v.* New York C. & St. L. Ry. Co. (Pa.), vol. 9, p. 132.

Admissibility of evidence as to sparks being thrown by other locomotives.

Alabama G. S. R. Co. *v.* Johnston (Ala.), vol. 20, p. 909.

Admissibility of evidence of diagrams of house destroyed by fire.

Alabama G. S. R. Co. *v.* Johnston (Ala.), vol. 20, p. 909.

As to ownership of property destroyed by fire.

Alabama G. S. R. Co. *v.* Johnston (Ala.), vol. 20, p. 909.

Burden of proof as to the use of best appliances to prevent the escape of sparks from locomotive.

White *v.* New York, P. & N. R. Co. (Va.), vol. 20, p. 588.

Burden of proof in action for fire set by locomotive.

Alabama & V. Ry. Co. *v.* Barrett (Miss.), vol. 20, p. 141.

Circumstantial evidence of origin of fire sufficient to support finding.

McGinn *v.* Platt (Mass.), vol. 19, p. 245.

Defects in spark arresters.

Cleveland, C. & St. L. Ry. Co. *v.* Scantland (Ind.), vol. 14, p. 75.

Louisville & N. R. Co. *v.* Samuels (Ky.), vol. 18, p. 374.

EVIDENCE—Continued.

Effect of showing good condition of appliances to prevent escape of fire.

Georgia & A. Ry. Co. v. Rawson (Ga.), vol. 19, p. 463.

Evidence of other fires.

Galveston, H. & S. A. Ry. Co. v. Hertzig (Tex. Civ. App.), vol. 12, p. 846.

Hygienic Plate-Ice M. Co. v. Raleigh & A. R. Co. (N. Car.), vol. 18, p. 78.

Pittsburg, C., C. & St. Louis Ry. Co. v. Indiana H. Co. (Ind.), vol. 18, p. 83.

Evidence that company has paid damages for injuries to other property caused by same fire.

Galveston, H. & S. A. Ry. Co. v. Hertzig (Tex. Civ. App.), vol. 12, p. 846.

Fire caused by engines.

Finkelston v. Chicago, etc., R. Co. (Wis.), vol. 6, p. 193.

Hemmi v. Chicago & G. W. Ry. Co. (Iowa), vol. 8, p. 547.

Fire in elevator.

Cox v. Vermont Cent. R. Co. (Mass.), vol. 9, p. 591.

In rebuttal to show that such engines throw sparks.

Bowen v. Boston & A. R. Co. (Mass.), vol. 23, p. 267.

Origin of fire.

Pittsburg, C., C. & St. L. Ry. Co. v. Indiana H. Co. (Ind.), vol. 18, p. 83.

Presumption of negligence from origin of fire.

Farrington v. Rutland R. Co. (Vt.), vol. 19, p. 248.

Proof of loss admissible in action by subrogated insurer for reimbursement.

Liverpool & L. & G. Ins. Co. v. Southern Pac. Co. (Cal.), vol. 15, p. 530.

Sparks from other locomotives at other times.

McGinn v. Platt (Mass.), vol. 19, p. 245.

EVIDENCE—Continued.

Speed of train which started fire not evidence of negligence.

Louisville & N. R. Co. v. Marbury L. Co. (Ala.), vol. 18, p. 508.

Subsequent emission of sparks from engine.

Baltimore & O. S. W. Ry. Co. v. Tripp (Ill.), vol. 14, p. 119.

Subsequent precautions by railway company to prevent fire.

Young v. Great Northern Ry. Co. (N. Dak.), vol. 14, p. 72.

Sufficiency of as to origin of fire.

Bowen v. Boston & A. R. Co. (Mass.), vol. 23, p. 268.

Brennan Lumber Co. v. Great Northern Ry. Co. (Minn.), vol. 15, p. 478.
Pittsburg, C., C. & St. L. Ry. Co. v. Indiana H. Co. (Ind.), vol. 18, p. 83.

Sufficiency of to show license to pile wood on railroad land.

Boston Excelsior Co. v. Bangor & A. R. Co. (Mo.), vol. 16, p. 654.

Value of property destroyed by fire.

Pittsburg, C., C. & St. L. Ry. Co. v. Indiana H. R. Co. (Ind.), vol. 18, p. 83.

Frightening teams, admissibility of evidence as to failure to give signal where horse is frightened.

Ohio Val. R. Co.'s Receiver v. Young (Ky.), vol. 8, p. 399.

Frightening teams, subsequent fright at same object.

Valley v. Concord & M. R. R. (N. H.), vol. 9, p. 128.

Harmless error in admission on rebuttal.

Weller v. Chicago, M. & St. P. Ry. Co. (Mo.), vol. 22, p. 61.

Harmless error in reading affidavits.

Wimber v. Iowa Cent. Ry. Co. (Iowa), vol. 23, p. 476.

EVIDENCE—Continued.

Harmless error in receiving map in evidence in action in ejectment against railroad company.

Fish v. Chicago, etc., Ry. Co. (Minn.), vol. 23, p. 409.

Immaterial testimony as ground for new trial.

Raleigh & G. R. Co. v. Bradshaw (Ga.), vol. 22, p. 572.

Instructions as to weight of.

Atlanta, K. & N. Ry. Co. v. Durham (Ga.), vol. 16, p. 606.

Interstate commerce, presumption that interstate commerce commission has complied with act.

Atlanta, K. & N. Ry. Co. v. Horne (Tenn.), vol. 19, p. 509.

Intoxication, in an action to recover damages for a personal injury which the defendant claimed was the result of intoxication on the part of the plaintiff, it was error to admit evidence to show that the latter had been in the habit of getting drunk prior to the accident.

Kingston v. Ft. Wayne & E. Ry. Co. (Mich.), vol. 9, p. 259.

Master and Servant.

Action to recover for injury to servant.

Konold v. Rio Grande W. Ry. Co. (Utah), vol. 17, p. 450.

Admissibility of evidence as to how cars are loaded by another company, in action for injuries to employee.

Southern Ry. Co. v. Mauzy (Va.), vol. 20, p. 647.

Admissibility of evidence as to payment of hospital expenses in absence of allegation respecting them.

Mickelson v. New East Tintic Ry. Co. (Utah), vol. 20, p. 855.

Admissibility of evidence as to rule of company regarding uncoupling moving cars.

Hollenbeck v. Missouri Pac. Ry. Co. (Mo.), vol. 8, p. 277.

EVIDENCE—Continued.

Admissibility of evidence of number of hands employed on train, where it is not alleged that injury was caused by failure to furnish a sufficient number.

Jones v. New York, N. H. & H. R. Co. (R. I.), vol. 11, p. 414.

Admissibility of evidence of other holes in platform.

Louisville & N. R. Co. v. Henry (Ky.), vol. 11, p. 405.

Admissibility of evidence of servant's knowledge of proximity of cattle chute.

Keist v. Chicago G. W. Ry. Co. (Iowa), vol. 16, p. 297.

Admissibility of evidence of condition of grab-iron causing injury, six days after accident.

Jones v. New York, N. H. & H. R. Co. (R. I.), vol. 11, p. 414.

Admissibility of expert testimony as to proper way to load cars in action for injury to employee.

Southern Ry. Co. v. Mauzy (Va.), vol. 20, p. 674.

Admissibility of opinion of expert as to proper construction of buildings in action for injury to employee.

Hayes v. Southern Pac. Co. (Utah), vol. 11, p. 419.

Admission not warranted by pleading or evidence in action for injury to employee caused by fall between cars of different height, while walking on roof.

Benson v. New York, N. H. & H. R. Co. (R. I.), vol. 22, p. 299.

Admission of rebutting testimony, in action for injury to employee.

Chicago G. W. R. Co. v. Price (C. C. A.), vol. 16, p. 324.

Assumption of risk, sufficiency of evidence.

Walker v. McNeill (Wash.), vol. 11, p. 738.

As to whether engineer was a careful man, in action for injury to employee.

Hicks v. Southern Ry. Co. (S. Car.), vol. 21, p. 217.

EVIDENCE—Continued.

Burden of proof on plaintiff to show negligence in action for injury to employee based on negligence in inspecting cars.

Hodges *v.* Kimball (C. C. A.), vol. 19, p. 755.

Defects.

Denver Tramway Co. *v.* Crumbaugh (Colo.), vol. 10, p. 875.

Defect in engine, question for jury.

Rush *v.* Spokane Falls & N. Ry. Co. (Wash.), vol. 20, p. 285.

Error in admitting in action for injury to employee cured by construction.

Illinois Cent. R. Co. *v.* Stewart (Ky.), vol. 21, p. 874.

Evidence of act as tending to show lack of judgment and presence of mind of fellow servant.

Morrow *v.* St. Paul City Ry. Co. (Minn.), vol. 12, p. 836.

Evidence of condition of appliance causing accident admissible where it appears that its condition was the same on day of accident.

Galveston, H. & H. R. Co. *v.* Bohan (Tex.), vol. 12, p. 491.

Hypothetical questions as to proper position on engine pushing cars.

Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.

In an action to recover for injuries received by employee through the collision of a hand car and a train where no question was raised as to the right of precedence of the train, there was no prejudice to the defendant from the exclusion of evidence as to the rules and customs on other railroads as to such precedence.

Woodward Iron Co. *v.* Herndon (Ala.), vol. 7, p. 124.

Instruction as to negative testimony in regard to giving of signals.

Louisville & N. R. Co. *v.*

EVIDENCE—Continued.

York (Ala.), vol. 23, p. 470.

Master's knowledge of defects.

Baxter *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 476.

Matter of common knowledge, danger of riding on hand car.

Alabama Mineral R. Co. *v.* Jones (Ala.), vol. 8, p. 383.

Negative evidence as to whether signal was given, in action for death of employee coupling cars.

Louisville & N. R. Co. *v.* York (Ala.), vol. 23, p. 470.

Notice to master of danger from appliance.

Indiana, I. & I. R. Co. *v.* Bundy (Ind.), vol. 14, p. 660.

Particulars of construction of switch in general use among other roads may not be shown, in action for injury to employee.

Indiana, I. & I. R. Co. *v.* Bundy (Ind.), vol. 14, p. 660.

Ratification of agent's contract.

Maxson *v.* Michigan Cent. R. Co. (Mich.), vol. 14, p. 823.

Release from claim for personal injuries to employee cannot be contradicted by parol evidence.

Indianapolis Union Ry. Co. *v.* Houlihan (Ind.), vol. 21, p. 916.

Release of railroad company from liability for injury to servant.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Montgomery (Ind.), vol. 9, p. 792.

Rules for government of employees as evidence of injury to employee.

Caron *v.* Boston, etc., R. Co. (Mass.), vol. 5, p. 705.

Rules of defendant not admissible, in action for injury to employee, when it is not shown that plaintiff had received them or had knowledge of them.

Indiana, I. & I. R. Co. *v.* Bundy (Ind.), vol. 14, p. 660.

EVIDENCE—Continued.

Rules, sufficiency of to show defective condition of track and that master was chargeable with notice.

Louisville & N. R. Co. v. Victory (Ky.), vol. 12, p. 538.

Rules, sufficiency of to show master's negligence.

Lake Shore & M. S. Ry. Co. v. Andrews (Ohio), vol. 12, p. 545.

Rules, violation of evidence of negligence.

Smithson v. Chicago, G. W. Ry. Co. (Minn.), vol. 11, p. 726.

Telegraphic orders in action for death of employee resulting from collision between trains.

Rinard v. Omaha, etc., Ry. Co. (Mo.), vol. 22, p. 34.

The complaint alleged that the yard master was charged with the direction and control of all switch engines and the making up of the trains within the said yard limits of the defendant. It was held that evidence to show under whose control were the employees engaged in this work is responsive and therefore admissible.

Wilson v. Charleston & S. Ry. Co. (S. Car.), vol. 9, p. 211.

Understanding of plaintiff as to length of ties, in action by conductor for personal injury caused by their projection.

Whitcher v. Boston & M. R. Co. (N. H.), vol. 20, p. 540.

Wages paid servants.

Missouri, K. & T. Ry. Co. v. Elliott (C. C. A.), vol. 18, p. 716.

Medical books.

Bixby v. Omaha & C. B. Ry. & Bridge Co. (Iowa), vol. 13, p. 748.

Medical experts, admissibility of opinion of medical expert.

Fulmore v. St. Paul City Ry. Co. (Minn.), vol. 11, p. 636.

Minutes of meeting of directors.

Coos Bay, R. & E. R. R. Co. & Nav. Co. v. Siglin (Ore.), vol. 11, p. 714.

EVIDENCE—Continued.

Negligence.

Louisville & N. R. Co. v. Marbury L. Co. (Ala.), vol. 18, p. 508.

Evidence admissible under general allegation of negligence.

Highland Ave. & B. R. Co. v. Swope (Ala.), vol. 13, p. 856.

Evidence of other acts of negligence.

Konold v. Rio Grande W. Ry. Co. (Utah), vol. 17, p. 450.

Evidence of similar occurrences admissible.

Exton v. Central R. Co. of New Jersey (N. J.), vol. 14, p. 240.

Evidence of subsequent experiments admissible.

Hayes v. Southern Pac. Co. (Utah), vol. 11, p. 419.

Experiments.

Konold v. Rio Grande W. Ry. Co. (Utah), vol. 17, p. 450.

Whitcher v. Boston & M. R. Co. (N. H.), vol. 20, p. 540.

Habitual negligence.

Galveston, H. & S. A. Ry. Co. v. Davis (Tex.), vol. 12, p. 832.

Habitual negligence, evidence of one act or habitual acts of negligence.

Missouri, K. & T. Ry. Co. v. Johnson (Tex.), vol. 12, p. 824.

Habitual negligence, evidence of single act incompetent to prove.

Galveston, H. & S. A. Ry. Co. v. Davis (Tex.), vol. 12, p. 832.

In an action against a street railway for personal injuries, a photograph of a car other than the one occasioning the injury is inadmissible in evidence.

Baltimore City Pass. Ry. Co. v. Cooney (Md.), vol. 11, p. 759.

Insufficiency to show negligence.

McGeary v. Old Colony R. R. (R. I.), vol. 14, p. 764.

Model of locus in quo.

Rudiger v. Chicago, St. P., M. & O. Ry. Co. (Wis.), vol. 12, p. 196.

EVIDENCE—Continued.

- Of previous acts of negligence, in action for injury to passenger.
- Stuckey *v.* Atlantic Coast-Line R. Co. (S. Car.), vol. 20, p. 771.
- Of speed of cars at other times in action for injury on track.
- Rouse *v.* Detroit Electric Ry. (Mich.), vol. 22, p. 650.
- Other acts of carelessness in blasting.
- Central of Georgia Ry. Co. *v.* Bernstein (Ga.), vol. 20, p. 952.
- Similar acts of negligence.
- Agulino *v.* New York, N. H. & H. R. Co. (R. I.), vol. 14, p. 314.
- Hutcherson *v.* Louisville & N. R. Co. (Ky.), vol. 15, p. 846.
- Subsequent experiments.
- Schweinfurth *v.* Cleveland, C., C. & St. L. Ry. Co. (Ohio), vol. 15, p. 73.
- Subsequent repairs of bridges.
- Bush *v.* Delaware, L. & W. R. Co. (N. Y.), vol. 21, p. 516.
- Testimony as to scene of accident and its surroundings is admissible.
- Bias *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 13, p. 616.
- Wanton negligence.
- Sloniker *v.* Great Northern Ry. Co. (Minn.), vol. 13, p. 819.
- What admissible in actions for negligence.
- Florida Cent. & P. R. Co. *v.* Mooney (Fla.), vol. 12, p. 721.
- Newly-discovered evidence as ground for new trial.
- Jones *v.* New York, N. H. & H. R. Co. (R. I.), vol. 11, p. 414.
- Objections to must be specific.
- New York, N. H. & H. R. Co. *v.* O'Leary (C. C. A.), vol. 14, p. 718.
- Ordinances, how proved.
- Jackson *v.* Kansas City, etc., R. Co. (Mo.), vol. 19, p. 99.
- Ordinances, certification.
- Central of Georgia Ry. Co. *v.* Bond (Ga.), vol. 17, p. 757.

EVIDENCE—Continued.

- Parol evidence to explain deed.
- Abraham *v.* Oregon & C. R. Co. (Ore.), vol. 17, p. 250.
- Parol evidence to prove contents of lost contracts.
- Nelson *v.* Southern Pac. Co. (Utah), vol. 14, p. 374.

Personal Injuries.

- Admissibility of statements to physicians.
- Williams *v.* Great Northern Ry. Co. (Minn.), vol. 7, p. 230.
- Admissible to show location of highway in action for personal injuries caused by excavation made by street railway without authority.
- Nosler *v.* Coos Bay, etc., R. Co. & Nav. Co. (Ore.), vol. 22, p. 719.
- As to whether plaintiff appeared to suffer.
- Cicero & P. St. Ry. Co. *v.* Priest (Ill.), vol. 22, p. 694.
- Complaints as evidence of existing pain.
- St. Louis & S. F. R. Co. *v.* Burrows (Kan.), vol. 17, p. 678.
- Examination of urine.
- Cleveland, C., C. & St. L. Ry. Co. *v.* Huddleston (Ind.), vol. 7, p. 553.
- Exclamations of pain as.
- Mott *v.* Detroit, G. H. & M. Ry. Co. (Mich.), vol. 15, p. 113.
- Of extent of personal injuries admissible in corroboration of plaintiff's testimony.
- Illinois Cent. R. Co. *v.* Stewart (Ky.), vol. 21, p. 874.
- Result of autopsy.
- Harrison *v.* Sutter St. Ry. Co. (Cal.), vol. 8, p. 201.
- Testimony as to groans not inadmissible as of declarations in own favor.
- Cicero & P. St. Ry. Co. *v.* Priest (Ill.), vol. 22, p. 694.

Photographs.

- Baxter *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 476.
- Denver & R. G. R. Co. *v.* Roller (C. C. A.), vol. 18, p. 595.

EVIDENCE—Continued.

Discretion of court.

De Forge v. New York, N. H. & H. R. R. (Mass.), vol. 20, p. 492.

Nude photographs.

Guhl v. Whitcomb (Wis.), vol. 20, p. 520.

Photographs of scene of accident.

Bach v. Iowa Cent. Ry. Co. (Iowa), vol. 20, p. 161.

Hampton v. Norfolk & W. R. Co. (N. Car.), vol. 7, p. 510.

Lake Erie & W. R. Co. v. Wilson (Ill.), vol. 20, p. 164.

X-ray photographs as evidence.

Bruce v. Beall (Tenn.), vol. 9, p. 841.

De Forge v. New York, N. H. & H. R. R. (Mass.), vol. 20, p. 492.

X-ray pictures, authentication.

De Forge v. New York, N. H. & H. R. R. (Mass.), vol. 20, p. 492.

Presumption from refusal to produce.

Missouri, K. & T. Ry. Co. v. Elliott (C. C. A.), vol. 18, p. 715.

Privileged communication.

Keist v. Chicago G. W. Ry. Co. (Iowa), vol. 16, p. 297.

Proving contents of books, records and papers by parol evidence.

Missouri, K. & T. Ry. Co. v. Elliott (Ind. Ter.), vol. 14, p. 587.

Railroads in streets, admissibility of evidence showing that before cable broke, director's attention had been called to its weakened state.
Musser v. Lancaster City St. Ry. Co. (Pa.), vol. 5, p. 718.

Railroads in streets, injury to property by railroad in street.
Baltimore & O. R. Co. v. Lersch (Ohio), vol. 14, p. 835.

Refusal to permit testimony to be given by tenant of reduction of rent due to building of railroad.

Birch v. Lake Roland El. Ry. Co. (Md.), vol. 5, p. 640.

EVIDENCE—Continued.

Reputation, admissibility of evidence of.

Galveston, H. & S. A. Ry. Co. v. Davis (Tex.), vol. 12, p. 832.

Res Gestæ.

Bradley v. Ohio River & C. Ry. Co. (N. Car.), vol. 18, p. 340.

Butler v. Manhattan R. Co. (N. Y.), vol. 2, p. 383.

Chicago, B. & O. R. Co. v. Oyster (Neb.), vol. 12, p. 656.

Delaware, L. & W. R. Co. v. Ashley (C. C. A.), vol. 2, p. 383.

Hughes v. Louisville & N. R. Co. (Ky.), vol. 12, p. 560.

Southern Ry. Co. v. Wilcox (Va.), vol. 22, p. 260.

Conversation of parties in interest as part of *res gestæ*.

Slavens v. Northern Pac. Ry. Co. (C. C. A.), vol. 16, p. 406.

Statement of person acting as agent of plaintiff in loading cattle.

Southern Pac. Co. v. Arnétt (C. C. A.), vol. 23, p. 794.

Review on appeal.

Atchison, T. & S. F. Ry. Co. v. Conlon (Kan. App.), vol. 15, p. 195.

Rules of company, in action for injury to employee.

Laird v. Chicago, etc., Ry. Co. (Iowa), vol. 7, p. 772.

Stock, Injuries to.

Chicago, B. & O. R. Co. v. Roberts (Colo.), vol. 15, p. 572.

Action for killing stock.

Louisville & W. R. Co. v. Hall (Ga.), vol. 14, p. 7.

Admissibility of letter offering compromise in action for injury to stock.

Chicago, B. & O. R. Co. v. Roberts (Colo.), vol. 15, p. 572.

Burden of proof on defendant, under Louisiana statute to show that the killing of stock on its track was not the result of its negligence.
Mire v. Yazoo & M. Val. R. Co. (La.), vol. 21, p. 761.

EVIDENCE—Continued.

- Conflicting testimony as to killing stock.
Quinn v. Southern Ry. Co. (Miss.), vol. 7, p. 788.
- Evidence of other killings in actions for killing stock on track.
Whitmore v. Rio Grande Western Ry. Co. (Utah), vol. 23, p. 742.
- Evidence of similar injuries to stock inadmissible.
Central of Georgia Ry. Co. v. Ross (Ga.), vol. 14, p. 12.
- In an action to recover damages for the negligent killing of stock by a railroad company, evidence to show that signboards had been erected at its crossings and the proper signals had been given subsequent to the accident, is inadmissible.
Louisville & N. R. Co. v. Bowen (Ky.), vol. 9, p. 276.
- Injury to stock, negligence.
Atlanta, etc., R. Co. v. Irwin (Ga.), vol. 8, p. 768.
- Blankenship v. Kanawha, etc., Ry. Co.* (W. Va.), vol. 8, p. 768.
- Of failure to give crossing signals, in action for injury to stock near crossing.
Willingham v. Macon & B. Ry. Co. (Ga.), vol. 21, p. 340.
- Ordinance limiting speed inadmissible in action for injury to stock.
Southern Ry. Co. v. Wood (Ky.), vol. 15, p. 570.
- Presumption of failure to give statutory signals, in action under Alabama statute for injury to stock at crossing.
Southern Ry. Co. v. Reaves (Ala.), vol. 20, p. 784.
- Prima facie evidence of ownership of track.
Central of Georgia Ry. Co. v. Wood (Ala.), vol. 20, p. 906.
- Rebuttal of presumption of negligence arising from injury to stock.
Central of Georgia R. Co. v. Woolsey (Ga.), vol. 19, p. 573.

EVIDENCE—Continued.

- Tax return as evidence of value of stock killed.
Southern Ry. Co. v. Tharp (Ga.), vol. 12, p. 858.
- Testimony of engineer uncontradicted as to killing of stock.
Mobile, etc., R. Co. v. Weems (Miss.), vol. 7, p. 788.
- Weight of engineer's testimony, in action for injuries to stock.
Southern Ry. Co. v. Reaves (Ala.), vol. 20, p. 784.
- Where there is conflicting evidence as to question of killing stock question of negligence is for jury.
Roberts v. Mobile & O. R. Co. (Miss.), vol. 7, p. 93.
- Tickets, parol evidence not admissible to vary printed conditions as to time limit on railroad tickets.
Walker v. Price (Kan.), vol. 20, p. 432.
- Trespassers, wantonness on part of trainmen to trespassers on track may be shown by circumstantial evidence.
Southern Ry. Co. v. Bush (Ala.), vol. 19, p. 46.
- Weight of evidence, question for jury.
Allen v. Boston & M. R. R. (Me.), vol. 19, p. 729.
- Gradert v. Chicago & N. W. Ry. Co.* (Iowa), vol. 20, p. 118.
- Haun v. Rio Grande W. Ry. Co.* (Utah), vol. 19, p. 370.
- Witnesses.**
- Admissibility of evidence of bias of witness.
Shaw v. Chicago & G. T. Ry. Co. (Mich.), vol. 18, p. 131.
- Admissibility of evidence to sustain character of witness who has been impeached.
Warfield v. Louisville & N. R. Co. (Tenn.), vol. 17, p. 135.
- Attacking credibility of witness.
Dampman v. Pennsylvania R. Co. (Pa. St.), vol. 2, p. 383.
- Competency of employees accused of negligence.
Louisville & N. R. Co. v. Kelly (Ky.), vol. 7, p. 166.

EVIDENCE—Continued.

Credibility of plaintiff's testimony.

Chicago & E. R. Co. v. Meech (Ill.), vol. 7, p. 667.

Effect of failure to produce witnesses.

Central of Georgia Ry. Co. v. Bernstein (Ga.), vol. 20, p. 952.

Harmless error in instruction as to credibility of witness.

Cicero & P. St. Ry. Co. v. Brown (Ill.), vol. 23, p. 930.

Statements made by witness shortly after accident admissible as tending to impeach him.

Alabama Min. R. Co. v. Jones (Ala.), vol. 15, p. 752.

Stenographic report of former testimony of absent witness.

Wabash R. Co. v. Miller (Ind.), vol. 23, p. 843.

EXCAVATIONS.

See Children.

Master and Servant.

Assumption of risk by servant of falling of embankment.

Reiter v. Winona & St. P. R. Co. (Minn.), vol. 11, p. 31.

EXCESS PROFITS.

See Constitutional Law.

EXCESSIVE VERDICT.

See Damages.

In action for injuries to employee.

Rush v. Spokane Falls & N. Ry. Co. (Wash.), vol. 20, p. 285.

Passion or prejudice.

Harrison v. Sutter St. Ry. Co. (Cal.), vol. 8, p. 201.

EXCURSIONS.

See Carriers of Passengers.

EXCURSION TICKETS.

See Tickets and Fares.

EXECUTION.

See Insolvency.

Mortgages.

Rates.

Company purchasing a railroad from a director who had pur-

EXECUTION—Continued.

chased it at an execution sale is not liable to the creditors of the original company for the price paid by the director at the execution sale.

Kittel v. Augusta T. & G. R. Co. (C. C. N. Y.), vol. 11, p. 876.

Sale of franchise under execution.

Simmons v. Worthington (Mass.), vol. 10, p. 771.

EXECUTORS AND ADMINISTRATORS.

See Death by Wrongful Act.

Action by representative.

Egan v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 9, p. 475.

Construction of order of inferior court appointing administrator under Ky. Civil Code of Practice.

Louisville & N. R. Co. v. Edmonds (Ky.), vol. 23, p. 481.

Right of railroad to object to the appointment of an executor or administrator.

Missouri Pac. Ry. Co. v. Bennett's Estate (Kan.), vol. 7, p. 534.

Suit by administrator, negligence of father.

Consolidated Traction Co. v. Hone (N. J.), vol. 5, p. 679.

EXEMPLARY DAMAGES.

See Carriers of Passengers. Damages.

Death by Wrongful Act.

Frightening Teams.

Carriers of Passengers.

Allowance of attorneys' fees.

Atchison, T. & S. F. R. Co. v. Stewart (Kan.), vol. 2, p. 387.

Breach of contract of carriage on excursion ticket.

Hansley v. Jamesville & W. R. Co. (N. Car.), vol. 2, p. 382.

Counsel's fees as exemplary damages where passenger was ejected.

Winters v. Cowen (C. C. Ohio), vol. 12, p. 40.

Ejection of passengers.

Atchison, etc., Co. v. Long (Kan. App.), vol. 6, p. 774.

Atlanta Consol. St. R. Co. v. Hardage (Ga.), vol. 2, p. 161.

EXEMPLARY DAMAGES—

Continued.

Ejection of passengers, one who boarded a train by advice of conductor of another train.

Allen *v.* Wilmington & W. R. Co. (N. Car.), vol. 8, p. 257.

Ejection of passengers, where the evidence tends to show that the conductor used insulting language, the court was not unwarranted in charging the jury upon the law of vindictive damages.

Atlanta Consol. St. R. Co. *v.* Keeny (Ga.), vol. 5, p. 305.

Ejection where malice is shown.

Smith *v.* Philadelphia, W. & B. R. Co. (Md.), vol. 10, p. 264.

Failure to carry passenger.

Gillman *v.* Florida Cent. & P. R. Co. (S. Car.), vol. 12, p. 125.

Failure to stop at destination.

Southern Ry. Co. *v.* Hardin (Ga.), vol. 10, p. 250.

Insulting conduct of servants to passenger.

Louisville & N. R. Co. *v.* Keller (Ky.), vol. 12, p. 90.

Negligence in leaving switch open, action for injury to passenger.

Louisville, etc., R. Co. *v.* Kingman (Ky.), vol. 5, p. 401.

Error where court does not explain to the jury what negligence entitles plaintiff to such damages.

Atchison, etc., R. Co. *v.* Chamberlain (Okla.), vol. 5, p. 698.

Evidence as to pecuniary condition of defendant.

Pullman Palace-Car Co. *v.* Lawrence (Miss.), vol. 8, p. 59.

Interrogatories requiring jury to specify what they find to be the actual damages, and what they allow as punitive damages.

Atchison, etc., R. Co. *v.* Chamberlain (Okla.), vol. 5, p. 698.

Kentucky statute as to wilful negligence or neglect.

Clark *v.* Louisville & N. R. Co. (Ky.), vol. 8, p. 355.

EXEMPLARY DAMAGES—

Continued.

Master and Servant.

Liability of master for negligence of employee.

Louisville & N. R. Co. *v.* Kelly (Ky.), vol. 7, p. 165.

What must be shown to justify awarding, in action for injury to servant.

Florida Cent. & P. R. Co. *v.* Mooney (Fla.), vol. 12, p. 722.

When not warranted in action for death of employee.

Louisville & N. R. Co. *v.* Sander (Ky.), vol. 10, p. 528.

Where a constitution provides that damages may be recovered for death by wrongful act, the word damages has been held to include punitive as well as compensatory damages.

Louisville & N. R. Co. *v.* Kelly (Ky.), vol. 7, p. 165.

EXEMPTIONS.

*See Local Assessments.
Taxation.*

EXEMPTION FROM LIABILITY.

*See Carriers of Passengers.
Constitutional Law.
Tickets and Fares.*

EXPECTANCY.

See Life Expectancy.

EXPENSES.

*See Damages.
Receivers.*

EXPERIMENTS.

*See Evidence.
Trial.*

Evidence of subsequent experiments.

Schweinfurth *v.* Cleveland, C., C. & St. L. Ry. Co. (Ohio), vol. 15, p. 73.

EXPERT AND OPINION EVIDENCE.

See Evidence.

EXPLOSIVES.

*See Carriers of Goods.
Exemption from Liability.*

EXPRESS COMPANIES.

See Bills of Lading.
Carriers of Freight.
Death by Wrongful Act.
Rates.
Revenue Act.

Liability of carrier for loss of goods where value is conceded.
 Southern Exp. Co. v. Wood (Ga.), vol. 5, p. 83.

Limitation of liability by railroad company as to carriage of express matter.

Pittsburg, C., C. & St. L. Ry. Co. v. Mahony (Ind.), vol. 8, p. 441.

Railroads discriminating against.

Kidder v. Fitchburg R. Co. (Mass.), vol. 3, p. 453.

EXPRESS MESSENGERS.

See Carriers of Passengers.

EXPROPRIATION OF RAILWAY PROPERTY.

Kansas City, etc., R. Co. v. Vicksburg, etc., R. Co. (La.), vol. 6, p. 212.

EXTRA FARE.

See Tickets and Fares.

EXTRA TRAINS.

See Crossings.

FALSE IMPRISONMENT.

See Carriers of Passengers.

Carriers of passengers; liability of company for false arrest and imprisonment of passenger.

Atchison, Topeka, etc., R. Co. v. Henry (Kan.), vol. 2, p. 418.

Liability of railroad companies.
 Eichengreen v. Louisville & N. R. Co. (Tenn.), vol. 3, p. 453.

FAMILY.

See Damages.

FARES.

See Tickets and Fares.

FARM CROSSINGS.

See Crossings.
Private Crossings.

FEDERAL CONSTITUTION.

See Constitutional Law.

FEDERAL CORPORATIONS.

See Parties.

FEDERAL COURTS.

See Jurisdiction.
Removal of Causes.

Postal Tel. Cable Co. v. Southern Ry. Co. (N. Car.), vol. 13, p. 417.

Construction of state statute by state court binding on.

Louisville & N. R. Co. v. Lansford (C. C. A.), vol. 18, p. 697.

Decision of questions arising under common law are not governed by state decisions.
 New York, N. H. & H. R. Co. v. O'Leary (C. C. A.), vol. 14, p. 718.

Decisions of state courts based on supposed rules of common law are not binding on federal courts.

Murray v. Chicago & N. W. Ry. Co. (C. C. A.), vol. 13, p. 278.

Effect of decision of state court as to state statute.

Hartford Fire Ins. Co. v. Chicago, M. & St. P. R. Co. (U. S.), vol. 16, p. 779.

Enjoining state officers from enforcing certain rates of transportation.

Smyth, Attorney General, v. Ames (U. S.), vol. 10, p. 1.

Equity jurisdiction of federal courts, state regulations of rates.

Smyth, Attorney General, v. Ames (U. S.), vol. 10, p. 1.

Following practice in state courts.

Wall v. Chesapeake & O. Ry. Co. (C. C. A.), vol. 15, p. 413.

Following state decision.

Missouri, K. & T. Ry. Co. v. McCann (U. S.), vol. 16, p. 185.

Roberts v. Northern Pacific Railroad Co. (U. S.), vol. 3, p. 106.

Following state decisions construing state statutes.

Tullis v. Lake Erie & W. R. Co. (U. S.), vol. 16, p. 462.

Jurisdiction.

American Exp. Co. v. Maynard, Atty. Gen. (U. S.), vol. 17, p. 530.

FEDERAL COURTS—Cont'd.

- Jurisdiction of supreme court.
 Union Pac. Ry. Co. *v.* Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 3.
- Jurisdiction of supreme court of the United States in proceedings in state court.
 Chicago, B. & Q. R. Co. *v.* City of Chicago (U. S.), vol. 7, p. 26.
- Jurisdiction over controversy over lands derived from the United States.
 St. Paul, M. & M. R. Co. *v.* St. Paul & N. Pac. R. Co. (C. C. A.), vol. 1, p. 621.
- Jurisdiction to enforce penal statute on subject of death by wrongful act.
 Perkins *v.* Boston & A. R. Co. (Mass.), vol. 13, p. 601.
- Leave to sue in state court receiver appointed in federal court not necessary.
 Malott *v.* Shimer (Ind.), vol. 15, p. 774.
- Motion to quash invalid process.
 Wall *v.* Chesapeake & O. Ry. Co. (C. C. A.), vol. 15, p. 413.
- Not bound to follow state decisions on questions relating to carriage of freight or passengers.
 Whitney *v.* New York, etc., R. Co. (C. C. A.), vol. 19, p. 185.
- Pleading and practice in state courts not binding on.
 Van Doren *v.* Pennsylvania R. Co. (C. C. A.), vol. 13, p. 577.
- Pleading and proving absence of contributory negligence.
 Chicago G. W. Ry. Co. *v.* Price (C. C. A.), vol. 16, p. 324.
- Power to fix rate for transportation of interstate commerce.
 Southern Pac. Co. *v.* Colorado, F. & I. Co. (C. C. A.), vol. 18, p. 559.
- Review of judgment of state court by federal court.
 Chicago, B. & Q. R. Co. *v.* City of Chicago (U. S.), vol. 7, p. 26.
- State decisions as to questions of fact binding on federal court reviewing a case on appeal from state court.
 Atchison, T. & S. F. R. Co. *v.* Matthews (U. S.), vol. 14, p. 89.
- State statute regulating admissions as to evidence of absent

FEDERAL COURTS—Cont'd.

- witness may be taken advantage of in federal court.
 Texas & P. Ry. Co. *v.* Humble (C. C. A.), vol. 17, p. 83.
- Supreme court of United States will abide by decisions of state court as to questions of fact where case is appealed from state court.
 Atchison, T. & S. F. R. Co. *v.* Matthews (U. S.), vol. 14, p. 89.
- Supreme court of United States will not review decision of state court as to constitutionality under state constitution of state statute.
 Lake Shore & M. S. Ry. Co. *v.* Smith (U. S.), vol. 14, p. 511.
- Validity of restraining order.
 Southern Pac. Co. *v.* Colorado, F. & I. Co. (C. C. A.), vol. 18, p. 559.

FEDERAL JURISDICTION.

See Federal Courts.

Jurisdiction.

Removal of Causes.

- Federal question sufficiently raised in state court for purpose of writ of error from supreme court of the United States.
 Yazoo, etc., R. Co. *v.* Adams (U. S.), vol. 20, p. 1.
- Importation of diseased cattle.
 Missouri, K. & T. Ry. Co. *v.* Haber (U. S.), vol. 13, p. 37.
- When federal question must be raised in state court to sustain writ of error from supreme court of United States.
 Yazoo, etc., R. Co. *v.* Adams (U. S.), vol. 20, p. 1.

FEDERAL QUESTIONS.

See Taxation.

FELLOW SERVANTS.

See Burden of Proof.

Employers' Liability Acts.
Master and Servant.

Assumption of Risk.

- Hicks *v.* Southern Ry. Co. (S. Car.), vol. 21, p. 217.
- Assumption of risk of negligence of.
 O'Neill *v.* Great Northern Ry. Co. (Minn.), vol. 17, p. 415.

FELLOW SERVANTS—*Cont'd.*

- Incompetent fellow servant.
Jenson v. Great Northern Ry. Co. (Minn.), vol. 11, p. 253.
Parker v. New York Cent. & H. R. R. Co. (N. Y.), vol. 10, p. 614.
 Negligence of in inspecting car is risk assumed by servant.
Chesapeake & O. R. Co. v. Hennessey (C. C. A.), vol. 16, p. 515.
 Railroad employee injured while boarding a car which was moving round on a turntable assumes the risk whether he is injured through his own want of ordinary care or the act of a fellow servant.
St. Louis, I. M. & S. Ry. Co. v. Ferguson (Ark.), vol. 10, p. 634.
 Burden of proving existence of relationship.
Hunter v. Kansas City & M. Railway & Bridge Co. (C. C. A.), vol. 10, p. 620.
 Burden on master claiming that servant was injured by negligence of fellow servant to show that such was the case.
Chicago, B. & Q. R. Co. v. Oyster (Neb.), vol. 12, p. 656.
 By what laws question of fellow service determined.
Hunt v. Hurd (C. C. A.), vol. 18, p. 741.
 California statute defining.
San Antonio & A. P. Ry. Co. v. Harding (Tex.), vol. 3, p. 389.
 Care due from master in employing fellow servant.
Hicks v. Southern Ry. Co. (S. Car.), vol. 21, p. 217.
 Care of roadbed a nonassignable duty.
Wright v. Southern Ry. Co. (N. Car.), vol. 20, p. 873.
 Concurring negligence of master and fellow servant.
Kansas City, Ft. S. & M. R. Co. v. Becker (Ark.), vol. 16, p. 348.
Pool v. Southern Pac. Co. (Utah), vol. 16, p. 551.
 Constitutionality of statute making railroad liable for negligence of fellow servant.
Tullis v. Lake Erie & W. R. Co. (U. S.), vol. 16, p. 462.

FELLOW SERVANTS—*Cont'd.*

- Contributory negligence, in order to recover for injuries caused by negligence of fellow servant, plaintiff must have been free from negligence.
Florida Cent. & P. R. Co. v. Mooney (Fla.), vol. 12, p. 721.
 Criterion of co-service.
Kerner v. Baltimore & O. S. W. Ry. Co. (Ind.), vol. 9, p. 328.
Norfolk & W. R. Co. v. Houchins (Va.), vol. 8, p. 616.
 Declarations of superior engaged with plaintiff in performing the work in which plaintiff was injured, made on the spot where the injuries occurred, and almost simultaneous with the injury, and describing how it was caused.
Peirce v. Van Dusen (C. C. A.), vol. 7, p. 2.
 Different department limitation of fellow-servant rule.
Louisville & N. R. Co. v. Edmonds (Ky.), vol. 23, p. 481.
Louisville & N. R. Co. v. Stuber (C. C. A.), vol. 22, p. 840.
 Duty to employ competent fellow servants.
Oliver v. Ohio River R. Co. (W. Va.), vol. 6, p. 784. *
 Effect of repeal of penalty for excessive speed within municipalities on fellow-servant rule.
Farquhar v. Alabama & V. R. Co. (Miss.), vol. 20, p. 538.
 Effect of rule requiring brakeman to inspect appliances.
Eaton v. New York C. & H. R. R. Co. (N. Y.), vol. 18, p. 391.
 Employee handling derrick injured by negligence of fellow servant engaged in same work is not engaged in work connected with the "use and operation of a railroad" within meaning of Iowa statute.
Reddington v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 14, p. 563.
 Employers' liability act as affecting fellow-servant rule.
Louisville, N. A. & C. Ry. Co. v. Wagner (Ind.), vol. 14, p. 706.

FELLOW SERVANTS—*Cont'd.*

Engineer could recover for gross negligence of his fellow servant, the engineer of other train.

Cincinnati, etc., Ry. Co.'s Receiver *v.* Roberts (Ky.), vol. 21, p. 322.

Evidence, burden is on plaintiff, in action for injuries alleged to have been caused by fellow servant to show that he was free from fault, and when this is done, the burden is on defendant to show that his servants were not at fault.

Florida Cent. & P. R. Co. *v.* Mooney (Fla.), vol. 12, p. 721.

Evidence, fireman and engineer, burden of proof.

Kansas City, etc., Ry. Co. *v.* Becker (Ark.), vol. 8, p. 758.

Existence of relation of fellow servants a question for jury.

Chicago & E. I. R. Co. *v.* Driscoll (Ill.), vol. 12, p. 644.

Failure to furnish safe appliances is chargeable to master, not to fellow servant.

Troxler *v.* Southern Ry. Co. (N. Car.), vol. 14, p. 711.

Failure to instruct as to liability where accident occurred through negligence of fellow servant.

Atlantic Avenue R. Co. *v.* Van Dyke (C. C. A.), vol. 3, p. 623.

Failure to keep headlight in repair.

San Antonio & A. P. Ry. Co. *v.* Harding (Tex.), vol. 3, p. 389.

Fellow-servant rule was not available where employee sustained injury on crossing after working hours.

Sullivan *v.* New York, N. H. & H. R. Co. (Conn.), vol. 20, p. 108.

General denial, defense of negligence of fellow servant.

Wilson *v.* Charleston & S. Ry. Co. (S. Car.), vol. 9, p. 211.

General liability.

Nolan *v.* New York, N. H. & H. R. Co. (Conn.), vol. 10, p. 637.

General rule as to liability for injuries through negligence of fellow servant.

Blomquist *v.* Great Northern Ry. Co. (Minn.), vol. 4, p. 439.

FELLOW SERVANTS—*Cont'd.*

Harmless error in jury's finding.
MacCarthy *v.* Whitcomb (Wis.), vol. 20, p. 860.

Injuries to employee walking near a track after finishing his day's work, from a stick of wood negligently thrown from a passing train, by a co-employee.

Fletcher *v.* Baltimore & P. R. Co. (U. S.), vol. 9, p. 229.

Knowledge of servant of incompetency of fellow servant not notice to master.

Smith *v.* St. Louis & S. F. Ry. Co. (Mo.), vol. 14, p. 609.

Liability for incompetency of fellow servant.

Parker *v.* New York Cent. & H. R. R. Co. (N. Y.), vol. 10, p. 614.

Liability for injury to employee of another company as affected by negligence of his fellow servant.

Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.

Liability for negligence of.

Creswell *v.* Wilmington & N. R. Co. (Del.), vol. 14, p. 625.

Illinois Cent. R. Co. *v.* Josey (Ky.), vol. 20, p. 869.

Louisville & N. R. Co. *v.* Stuber (C. C. A.), vol. 22, p. 840.

Missouri Pac. Ry. Co. *v.* Lyons (Neb.), vol. 12, p. 610.

Railey *v.* Garbutt (Ga.), vol. 20, p. 211.

Smith *v.* St. Louis & S. F. Ry. Co. (Mo.), vol. 14, p. 609.

Swisher *v.* Illinois Cent. R. Co. (Ill.), vol. 16, p. 421.

Liability for negligence of fellow servant in handling engine.

Louisville & N. R. Co. *v.* York (Ala.), vol. 23, p. 470.

Liability for negligence of, instructions.

Hicks *v.* Southern Ry. Co. (S. Car.), vol. 21, p. 217.

Liability of lessor for injuries to lessee's employees caused by negligence of fellow servant.

Banks *v.* Georgia R. & Banking Co. (Ga.), vol. 20, p. 225.

Liability of master for injuries to employee where fellow servant substitutes defective appliance in place of safe and suitable appliance.

Campbell *v.* New Jersey Dry-Dock & Transp. Co. (N. J.), vol. 11, p. 12.

FELLOW SERVANTS—Cont'd.

Liability of master for negligence of fellow servant.

Swisher *v.* Illinois Cent. R. Co. (Ill.), vol. 16, p. 421.

Massachusetts statute, construction.

Fairman *v.* Boston & A. R. Co. (Mass.), vol. 9, p. 83.

Master liable for injury to servant where negligence of vice principal was proximate cause, although negligence of fellow servant also contributed.

Felton *v.* Harbeson (C. C. A.), vol. 20, p. 131.

Master's negligence in failing to maintain safe couplings must be proximate cause to warrant recovery where also negligence of fellow servant.

McCoy *v.* Norfolk & C. R. Co. (Va.), vol. 22, p. 838.

Master not liable for negligence of vice principal, except that occurring in the performance on a nonassignable duty.

Scott *v.* Chicago G. W. Ry. Co. (Iowa), vol. 20, p. 884.

Master not liable for tort of fellow servant beyond scope of his employment.

Kincade *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 14, p. 559.

Minnesota statute not applicable to case where servant was injured by fall of coal dislodged from tender by fellow servant.

Weisel *v.* Eastern Ry. Co. of Minn. (Minn.), vol. 17, p. 446.

Mixed question of law and fact, existence of relationship.

Wilson *v.* Charleston & S. Ry. Co. (S. Car.), vol. 9, p. 211.

Modifications of instruction as to who are.

Hicks *v.* Southern Ry. Co. (S. Car.), vol. 21, p. 217.

Negligence of concurring with negligence of master.

Fluhrer *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 17, p. 463.

Wright *v.* Southern Pac. Co. (Utah), vol. 5, p. 560.

Negligence of fellow servant concurring does not relieve master where his negligence was proximate cause.

Louisiana Western Extension Ry. Co. *v.* Carstens (Tex. Civ. App.), vol. 12, p. 782.

Negligence of fellow servant

FELLOW SERVANTS—Cont'd.

concurring with negligence of master.

Fluhrer *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 17, p. 464.

Negligence of fellow servant question for jury.

Chicago & N. W. R. Co. *v.* Delaney (Ill.), vol. 13, p. 859.

Pleading liability of company.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Montgomery (Ind.), vol. 9, p. 792.

Presumption as to whether servants are fellow servants or vice principals.

Hunter *v.* Kansas City & M. Ry. & Bridge Co. (C. C. A.), vol. 10, p. 620.

Presumption of negligence, under Florida statute, where injury resulted from act being performed by fellow servants of plaintiff, but in which he was not participating.

Florida Cent. & P. Ry. Co. *v.* Mooney (Fla.), vol. 12, p. 721.

Provision of South Carolina statute as to construed.

Rutherford *v.* Southern Ry. Co. (S. Car.), vol. 17, p. 520.

Question as to whether employees are fellow servants is a mixed one of law and fact.

Wilson *v.* Charleston & S. Ry. Co. (S. Car.), vol. 9, p. 452.

Question for court, existence of relationship.

MacCarthy *v.* Whitcomb (Wis.), vol. 20, p. 860.

Question for jury whether negligence of fellow servant was proximate cause, in action for injury to employee of another company.

Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.

Receivers, liability of receivers for injuries to employees caused by negligence of fellow servants, under statutes providing for liability of railroads.

Peirce *v.* Van Dusen (C. C. A.), vol. 7, p. 1.

Refined distinctions as to who are, based upon subordination of one servant to another, or upon the fact that they are engaged in different departments, should not be considered.

Louisville & N. R. Co. *v.* Stuber (C. C. A.), vol. 22, p. 840.

FELLOW SERVANTS—Cont'd. FELLOW SERVANTS—Cont'd.

Relation depending upon character of negligent act.

Jackson *v.* Norfolk & Western R. Co. (W. Va.), vol. 6, p. 455.

Retroactive effect of statutes.

Rittenhouse *v.* Wilmington St. Ry. Co. (N. Car.), vol. 6, p. 784.

Rules of master cannot change status of employees with regard to each other.

Stephani *v.* Southern Pac. R. Co. (Utah), vol. 14, p. 575.

"Same character of work" under Texas statute.

Long *v.* Chicago, R. I. & T. Ry. Co. (Tex.), vol. 18, p. 386.

"Same piece of work" under Texas statute.

Long *v.* Chicago, R. I. & T. Ry. Co. (Tex.), vol. 18, p. 386.

Statute not applicable to causes of action arising prior to its passage.

Wright *v.* Southern Ry. Co. (N. Car.), vol. 12, p. 717.

Statutory provisions as to "cars" includes hand cars.

Benson *v.* Chicago, St. P., M. & O. Ry. Co. (Minn.), vol. 12, p. 797.

Stone mason setting curbing around station not within protection of Kansas statute.

Missouri, K. & T. Ry. Co. *v.* Medaris (Kan.), vol. 12, p. 698.

Test of master's liability for act of fellow servant.

Jackson *v.* Norfolk & Western R. Co. (W. Va.), vol. 6, p. 455.

To recover for injuries occasioned by negligence of fellow servant plaintiff must have been free from negligence.

Florida Cent. & P. R. Co. *v.* Mooney (Fla.), vol. 12, p. 721.

Validity of state statute forbidding a railroad company from entering into any agreement with its employees whereby it shall be held not liable for injuries to them and declaring such corporations liable for injuries by fellow servants.

Peirce *v.* Van Dusen (C. C. A.), vol. 7, p. 1.

Vice Principals.

Brakemen are not under employers' liability act of Indiana.

Baltimore & O. S. W. Ry. Co. *v.* Little (Ind.), vol. 9, p. 427.

Section foreman and track hands.

Chattanooga Elec. Ry. Co. *v.* Lawson (Tenn.), vol. 12, p. 669.

Servant given charge of dynamite is.

Bush *v.* Spokane Falls & N. Ry. Co. (Wash.), vol. 20, p. 285.

Train dispatcher vice principal of fireman.

Missouri, K. & T. Ry. Co. *v.* Elliott (Ind. Ter.), vol. 14, p. 587.

What law governs in action for death in another state.

Illinois Cent. R. Co. *v.* Harris (Miss.), vol. 21, p. 119.

Who Are Fellow Servants.

Brakeman and fireman.

Southern Ry. Co. in Kentucky *v.* Clifford (Ky.), vol. 21, p. 229.

Brakeman of freight train acting as switchman and engineer of passenger train.

Swisher *v.* Illinois Cent. R. Co. (Ill.), vol. 16, p. 421.

Brakemen are fellow servants of each other.

Young *v.* West Virginia, C. & P. Ry. Co. (W. Va.), vol. 4, p. 134.

Bridge repairer riding to work and trainmen are.

Tomlinson *v.* Chicago, B. & O. R. Co. (C. C. A.), vol. 16, p. 344.

Car inspector and switchman.

Lellis *v.* Michigan C. R. Co. (Mich.), vol. 18, p. 545.

Conductor acting as brakeman and engineer are.

Linck *v.* Louisville & N. R. Co. (Ky.), vol. 16, p. 831.

FELLOW SERVANTS—*Cont'd.* FELLOW SERVANTS—*Cont'd.*

Conductor and brakeman.

Jackson *v.* Norfolk & Western R. Co. (W. Va.), vol. 6, p. 455.

Norfolk & W. R. Co. *v.* Houchins (Va.), vol. 8, p. 616.

Purcell *v.* Southern Ry. Co. (N. Car.), vol. 6, p. 784.

Spencer *v.* Brooks (Ga.), vol. 5, p. 202.

Walker *v.* Gillett (Kan.), vol. 10, p. 140.

Conductor and brakeman of freight train.

New England R. Co. *v.* Conroy (U. S.), vol. 16, p. 380.

Conductor and car-coupler.

Young *v.* Boston & M. R. Co. (Mass.), vol. 7, p. 776.

Conductor and engineer.

Linck *v.* Louisville & N. R. Co. (Ky.), vol. 16, p. 831.

Conductor and foreman.

Denver & R. G. R. Co. *v.* Sipes (Colo.), vol. 6, p. 605.

Conductor and other trainmen are.

Jackson *v.* Norfolk & W. R. Co. (W. Va.), vol. 6, p. 455.

Conductor and section hand.

Slavens *v.* Northern Pac. Ry. Co. (C. C. A.), vol. 16, p. 406.

Employees and brakeman are.

McDonald *v.* Norfolk & W. R. Co. (Va.), vol. 8, p. 552.

Texas Central Railway Co. *v.* Frazier (Tex.), vol. 3, p. 381.

Texas Central R. Co. *v.* Frazier (Tex.), vol. 4, p. 664.

Employees of different companies.

Hallett *v.* New York Cent., etc., R. Co. (N. Y.), vol. 22, p. 446.

Employees of different trains.

Beaumont *v.* Northern Pac. Ry. Co. (C. C. A.), vol. 22, p. 470.

MacCarthy *v.* Whitcomb (Wis.), vol. 20, p. 860.

Engineer and conductor are.

Creswell *v.* Wilmington & N. R. Co. (Del.), vol. 14, p. 625.

Eckles *v.* Norfolk, etc., R. Co. (Va.), vol. 5, p. 707.

Engineer and foreman, under Texas statute, although employed by different superiors.

Gulf, etc., R. Co. *v.* Warner (Tex.), vol. 4, p. 262.

Engineer and watchman are.

Welsh *v.* Pennsylvania R. Co. (Pa.), vol. 14, p. 569.

Engineers of different trains.

Cincinnati, etc., Ry. Co. *v.* Roberts (Ky.), vol. 21, p. 323.

Engineer of lumber train and wood cutter riding thereon to work.

Railey *v.* Garbutt (Ga.), vol. 20, p. 211.

Engineer of wrecking engine and track-walker are, under common-law rule.

Stephani *v.* Southern Pac. Co. (Utah), vol. 14, p. 575.

Fireman and round house employees are.

Smith *v.* St. Louis & S. F. Ry. Co. (Mo.), vol. 14, p. 609.

Fireman on passenger train is a fellow servant of engineer and conductor of freight train.

Maher *v.* Union Pac., D. & G. Ry. Co. (C. C. A.), vol. 20, p. 644.

Foreman of switch crew is.

St. Louis, I. M. & S. Ry. Co. *v.* Tuohey (Ark.), vol. 16, p. 453.

Foreman and conductor are.

Southern Pac. R. Co. *v.* McGill (Ariz.), vol. 3, p. 653.

Foreman and laborer.

Goodwell *v.* Montana Cent. Ry. Co. (Mont.), vol. 4, p. 419.

Illinois Cent. R. Co. *v.* Bolton (Tenn.), vol. 9, p. 868.

Northern Pac. R. Co. *v.* Charless (U. S.), vol. 4, p. 128.

Northern Pac. R. Co. *v.* Peterson (U. S.), vol. 4, p. 120.

Foreman is a fellow servant of a hand under him, while both engaged in manual labor of loading cars.

Southern Ry. Co. *v.* Mauzy (Va.), vol. 20, p. 647.

FELLOW SERVANTS—Cont'd. FELLOW SERVANTS—Cont'd.

Machinists and foreman.

Kerner *v.* Baltimore & O. S.
W. Ry. Co. (Ind.), vol.
9, p. 328.

Thompson *v.* Chicago & E.
R. Co. (Ind.), vol. 6, p.
611.

Motorman and employee
working on track.

Lundquist *v.* Duluth St.
R. Co. (Minn.), vol. 4,
p. 506.

Not liable for negligence of
plaintiff's fellow switch-
man.

Illinois Cent. R. Co. *v.*
Stewart (Ky.), vol. 21, p.
874.

One in charge of gang erect-
ing telegraph line employed
by telegraph company as
fellow servant of gang
employed by railroad com-
pany.

Johnson *v.* Western N. Y.
& P. Ry. Co. (Pa.), vol.
22, p. 309.

Roadmaster and laborer are
when working together.

O'Neill *v.* Great Northern
Ry. Co. (Minn.), vol. 17,
p. 415.

Section boss and hands.

Martin *v.* Atchison, T. & S.
F. R. Co. (U. S.), vol. 6,
p. 600.

Union Pac. Ry. Co. *v.* Doyle
(Neb.), vol. 7, p. 774.

Section boss with men under
him.

Gavigan *v.* Lake Shore,
etc., R. Co. (Mich.), vol.
5, p. 523.

Section foreman and laborers
are.

Flippen *v.* Kimball (C. C.
A.), vol. 11, p. 256.

Street railways.

Brittain *v.* West End St.
Ry. Co. (Mass.), vol. 7,
p. 773.

Union Pac. Ry. Co. *v.*
Doyle (Neb.), vol. 7, p.
773.

Switching crews in same em-
ployment.

Chicago & E. I. R. Co. *v.*
Driscoll (Ill.), vol. 12, p.
644.

Missouri Pac. Ry. Co. *v.*
Lyons (Neb.), vol. 12, p.
610.

Switchman and fireman.

St. Louis, I. M. & S. Ry.
Co. *v.* Brown (Ark.), vol.
16, p. 440.

Telegraph operators and en-
gineers are.

Illinois C. R. Co. *v.* Bentz
(C. C. A.), vol. 18, p. 540.

Telegraph operator and train-
men as fellow servants.

Oregon, etc., Ry. Co. *v.*
Frost (U. S.), vol. 5, p.
707.

Trainmen and employees
riding in course of duty.

Louisville & N. R. Co. *v.*
Stuber (C. C. A.), vol.
22, p. 840.

Trainmen and laborers on
roadbed.

Northern Pac. R. Co. *v.*
Charless (U. S.), vol. 4,
p. 128.

Trainmen and section hand.
Hunt *v.* Hurd (C. C. A.),
vol. 18, p. 741.

Where several servants are in
the same general service,
but in different departments
of it, though one may be
inferior in position to the
other, they are fellow serv-
ants, and if one of them is
injured by the negligence
of the other, the master is
not responsible, unless on
the ground of negligence in
employing an unfit person
for his service.

Benignia *v.* Penn. R. Co.
(Pa.), vol. 20, p. 486.

Whether brakeman is fellow
servant of fireman a ques-
tion for jury.

Louisiana Western Exten-
sion Ry. Co. *v.* Carstens
(Tex. Civ. App.), vol. 12,
p. 781.

Yard master riding on train
and its engineer are.

Farquhar *v.* Alabama & V.
R. Co. (Miss.), vol. 20,
p. 538.

Who Are Not Fellow Servants.

Arkansas statute.

Kansas City, Ft. S. & M.
R. Co. *v.* Becker (Ark.),
vol. 16, p. 348.

Baggage master and engineer
not fellow servants.

Chicago & A. Ry. Co. *v.*
Swan (Ill.), vol. 12, p.
675.

FELLOW SERVANTS—*Cont'd.* FELLOW SERVANTS—*Cont'd.*

- Boss and his hands loading lumber on car were not.
 Bryan *v.* Southern Ry. Co. (N. Car.), vol. 21, p. 542.
- Brakeman and car inspector.
 Eaton *v.* New York, C. & H. R. R. Co. (N. Y.), vol. 18, p. 391.
- Fulton *v.* Bullard (C. C. A.), vol. 14, p. 547.
- Brakeman and engineer and fireman.
 Louisiana Western Extension Ry. Co. *v.* Carstens (Tex. Civ. App.), vol. 12, p. 781.
- Car inspector and conductor of train.
 Illinois Cent. R. Co. *v.* Hilliard (Ky.), vol. 5, p. 539.
- Car inspector and trainmen are not under employers' liability act of Iowa.
 Canon *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 9, p. 12.
- Engineer and brakeman.
 Hallett *v.* New York Cent., etc., R. Co. (N. Y.), vol. 22, p. 446.
- Expressman not fellow servant of trainman.
 Cobb *v.* St. Louis & H. Ry. Co. (Mo.), vol. 13, p. 632.
- Fireman and conductor.
 Meyer *v.* Illinois Cent. R. Co. (Ill.), vol. 12, p. 694.
- Fireman on engine and section foreman, are not.
 Bateman *v.* Peninsular Ry. Co. (Wash.), vol. 12, p. 679.
- Foreman and laborer.
 Bradley *v.* Chicago, M. & St. P. Ry. Co. (Mo.), vol. 8, p. 729.
- Foreman of wiper gang fellow servant of hands in gang.
 Knot *v.* Southern Ry. Co. (Tenn.), vol. 12, p. 684.
- In action by baggage master to recover for injuries alleged to have been caused by engineer's negligence, petition need not allege that they are not fellow servants.
 Chicago & A. Ry. Co. *v.* Swan (Ill.), vol. 12, p. 674.
- Liability for injury to track repairer caused by violation of ordinance regulating the running of trains cannot be avoided on the ground that he and the trainmen were fellow servants.
 Baltimore, etc., Ry. Co. *v.* Peterson (Ind.), vol. 20, p. 887.
- Member of bridge crew loading timber on flat car and engineer and conductor are not.
 Freeman *v.* Illinois Cent. R. Co. (Tenn.), vol. 22, p. 49.
- Section boss and engineer are not.
 Omaha & R. V. R. Co. *v.* Krayenbuhl (Neb.), vol. 4, p. 483.
- Section foreman controlling hand car and his hands riding on same are not.
 Illinois Cent. R. Co. *v.* Josey (Ky.), vol. 20, p. 869.
- Servants in different departments.
 Dobson *v.* New Orleans & W. R. Co. (La.), vol. 17, p. 404.
- Street car conductor and car repairer.
 Denver Tramway Co. *v.* Crumbaugh (Colo.), vol. 10, p. 875.
- Train dispatcher and fireman.
 Missouri, K. & T. Ry. Co. *v.* Elliott (C. C. A.), vol. 18, p. 715.
- Train dispatcher and trainmen are not.
 Felton *v.* Harbeson (C. C. A.), vol. 20, p. 131.
- Workman in car shops and foreman of switch crew are not.
 Pool *v.* Southern Pac. Co. (Utah), vol. 16, p. 551.
- Wisconsin statute relating to, construed.
 Medberry *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 17, p. 494.

FEME COVERT.

See Married Women.

FENCES.

See Cattle Guards.
Children.
Railroads in Streets.
Stock, Injuries to.

Constitutional Law.

Constitutionality of fence law.
Grand Island & W. C. R. Co. v. Swinbank (Neb.), vol. 9, p. 870.
 Constitutionality of Montana fence law.
Beckstead v. Montana Union Ry. Co. (Mont.), vol. 9, p. 273.
 Constitutionality of statute allowing double damages for injuries to stock.
Kingsbury v. Missouri, etc., Ry. Co. (Mo.), vol. 19, p. 719.
 Constitutionality of statute requiring company to pay entire cost of division fences where right of way is donated.
Sleadd v. Southern Ry. Co. in Kentucky (Ky.), vol. 19, p. 131.
 Contributory negligence no defence to action for injury to stock under Wisconsin statute.
Cole v. Duluth, S. S. & A. Ry. Co. (Wis.), vol. 17, p. 749.
 Crossings, duty to fence at wagon crossings in cities.
Croft v. Chicago, G. W. Ry. Co. (Minn.), vol. 11, p. 652.
 Culverts, liability where hogs pass through under statute requiring tracks to be fenced.
Kingsbury v. Missouri, etc., Ry. Co. (Mo.), vol. 19, p. 719.
 Depot grounds in excess of legal limit.
Eaton v. McNeill (Ore.), vol. 8, p. 680.
 Double compensation for injuring stock.
Grand Island & W. C. R. Co. v. Swinbank (Neb.), vol. 9, p. 870.
 Duty of company to observe other statutory precautions where it has complied with fence law.
Mobile & O. R. Co. v. Tiernan (Tenn.), vol. 15, p. 654.

FENCES—Continued.

Duty of railroad company to avoid injuring stock.
Kirk v. Norfolk & W. R. Co. (W. Va.), vol. 4, p. 105.
 Duty of railroad to construct division fences under Kentucky statute.
Owensboro & N. Ry. Co. v. Courts (Ky.), vol. 19, p. 125.
 Duty to fence.
Cornell v. Manistee & N. E. R. Co. (Mich.), vol. 11, p. 263.
McCook v. Bryan (Okla.), vol. 5, p. 699.
 Duty to fence against hogs unlawfully at large.
Kingsbury v. Missouri, etc., Ry. Co. (Mo.), vol. 19, p. 719.
 Duty to fence as affected by statute passed after acquisition of right of way by adverse possession.
Louisville & N. R. Co. v. Thompson (Ky.), vol. 23, p. 48.
 Duty to fence railroad yard.
Nickolson v. Northern Pac. Ry. Co. (Minn.), vol. 18, p. 682.
 Duty to fence right of way, whether Ky. St. of 1797, retrospective.
Ringo v. C. & O. R. Co. (Ky.), vol. 23, p. 271.
 Duty to fence track where two roads are parallel.
Marengo v. Great Northern Ry. Co. (Minn.), vol. 23, p. 660.
 Duty with respect to station grounds.
Hathaway v. Detroit, T. & M. Ry. Co. (Mich.), vol. 19, p. 714.
 Effect of existence of fence not required by statute.
Chicago, etc., R. Co. v. Woodworth (Ind. Ter.), vol. 4, p. 261.
 Failure to fence as prima facie evidence of negligence.
Jolliffe v. Brown (Wash.), vol. 3, p. 254.
 Failure to fence land used for depot grounds.
Cole v. Duluth, S. S. & A. Ry. Co. (Wis.), vol. 17, p. 749.
 Failure to fence right of way.
Chicago, etc., R. Co. v. Lyon (Neb.), vol. 8, p. 764.

FENCES—Continued.**Gates.**

Mobile & O. R. Co. *v.* Tier-
nan (Tenn.), vol. 15, p.
564.

Duty of company to keep
gates closed.

Mobile & O. R. Co. *v.*
Tiernan (Tenn.), vol. 15,
p. 564.

Liability for failure to keep in
repair fence not required by
law, where stock are injured.

Georgia S. & F. Ry. Co. *v.*
Wisembaker (Ga.), vol. 22,
p. 186.

Liability for injury to child as
affected by failure to fence
tracks.

Marengo *v.* Great Northern
Ry. Co. (Minn.), vol. 23,
p. 660.

Nickolson *v.* Northern Pac.
Ry. Co. (Minn.), vol. 18,
p. 682.

Rosse *v.* St. Paul & D. Ry.
Co. (Minn.), vol. 7, p. 351.

Liability of companies for in-
juries to animals fixed by
place of entry.

Eaton *v.* McNeill (Ore.), vol.
8, p. 680.

Liability under statute requir-
ing track to be fenced, where
injured cattle got on track by
passing under railroad bridge.

Cagwin *v.* Chicago & N. W.
Ry. Co. (Iowa), vol. 20, p.
236.

No obligation to maintain cat-
tle guards at intersections
with fences built on right of
way by former owner where
company acquired fee simple
title.

Anderson *v.* Atlantic Coast
Line Ry. Co. (S. Car.),
vol. 20, p. 230.

Obligation of railroad company
to maintain fences.

Dixon *v.* Railway Co. (Eng.),
vol. 5, p. 699.

Obligation to construct under
deed conveying right of way,
in absence of stipulation.

Owensboro & N. Ry. Co. *v.*
Courts (Ky.), vol. 19, p.
125.

Pleading and evidence.

McCook *v.* Bryan (Okla.),
vol. 5, p. 699.

Railroad liable for double dam-
ages under Missouri fence

FENCES—Continued.

law where it failed to fence
though stock was lost but not
killed.

Boggs *v.* Missouri, K. & T.
Ry. Co. (Mo.), vol. 18, p.
379.

Sufficiency of evidence as to
compensation of grantor.

Owensboro & N. Ry. Co. *v.*
Courts (Ky.), vol. 19, p.
125.

Sufficiency of evidence of de-
fect.

Goodrich *v.* Kansas City, C.
& S. Ry. Co. (Mo.), vol.
19, p. 137.

Under §§ 1, 2, art. 1, ch. 72,
Comp. St. a railroad company
is liable for injuries, caused
by a moving train, to cattle,
horses, sheep, or hogs upon
the track, at a place where it
ought to have been but was
not fenced, although there
was no actual collision be-
tween the train and the ani-
mals injured.

Chicago, B. & Q. R. Co. *v.*
Cox (Neb.), vol. 7, p. 379.

Where a state statute requires
railway companies to erect
fences on their rights of way
through all enclosed lands or
lots, it does not render such
companies liable for injuries
done to employees, conse-
quent upon failure to fence,
but only for damages done to
stock.

Carper *v.* Receivers of Nor-
folk & W. R. Co. (C. C. A.),
vol. 7, p. 95.

Where stock is killed in city
limits, failure to fence track
is not prima facie evidence of
negligence.

Ryan *v.* Northern Pac. Ry.
Co. (Wash.), vol. 11, p.
647.

FENDERS.

Validity of ordinance regard-
ing.

State *v.* City of Cape May
(N. J.), vol. 6, p. 511.

FINANCIAL CONDITION.

See Exemplary Damages.

FINES.

See Penalties.

FIRE INSURANCE.*See Insurance.*

Fires set by locomotives.

Matthews v. Missouri Pac.
Ry. Co. (Mo.), vol. 10, p.
673.**FIRES SET BY LOCOMOTIVES.***See Attorney's Fees.**Baggage.**Carriers of Freight.**Carriers of Goods.**Damages.**Insurance.*

Amendment of petition in action for negligence in allowing fire to spread from right of way.

St. Louis & S. F. Ry. Co. v.
Ludlum (Kan.), vol. 23, p.
851.**Appliances.**

Best appliances.

Paris, M. & S. P. R. Co. v.
Nesbitt (Tex. Civ. App.),
vol. 3, p. 448.

Burden of proof as to use of best appliances to prevent the escape of sparks.

Alabama, G. S. R. Co. v.
Johnston (Ala.), vol. 20,
p. 909.White v. New York, P. &
N. R. Co. (Va.), vol. 20,
p. 588.

Defective spark arrester.

Cleveland, C. & St. L.
Ry. Co. v. Scantland
(Ind.), vol. 14, p. 75.

Defects in engine and negligence in operation are questions for jury, where there is evidence of other fires set on same day by such engine.

McTavish v. Great Northern
Ry. Co. (N. Dak.),
vol. 14, p. 59.

Duty as to furnishing spark arresters.

Farrington v. Rutland R.
Co. (Vt.), vol. 19, p. 248.

Effect of proving use of best appliances to prevent the escape of sparks.

White v. New York, P. &
N. R. Co. (Va.), vol. 20,
p. 588.

Effect of showing good conditions of appliances.

Georgia & A. Ry. Co. v.
Rawson (Ga.), vol. 19, p.
463.**FIRES SET BY LOCOMOTIVES—Continued.**

Inspection of spark arrester.

Thomas v. New York, C. &
St. L. R. Co. (Pa.), vol.
9, p. 132.

Liability where company has spark arresters.

Louisville & N. R. Co. v.
Samuels (Ky.), vol. 18,
p. 374.

Railroads using appliances in common use.

Gumbel v. Illinois Cent. R.
Co. (La.), vol. 4, p. 452.

Spark arresters.

Louisville & N. R. Co. v.
Samuels (Ky.), vol. 18, p.
374.

Spark arresters, care required in furnishing.

Kimball v. Borden (Va.),
vol. 15, p. 519.

Under statute requires railroad to show absence of negligence it exonerates itself from liability, in an action where it is claimed the fire was caused by using a certain engine, by proving that the spark arrester thereon was such as in common use.

Peter v. Chicago & W. M.
Ry. Co. (Mich.), vol. 15,
p. 541.**Combustibles on Right of Way.**

Accumulation of grass on right of way as negligence.

Richmond v. McNeill
(Ore.), vol. 10, p. 691.

Accumulation of inflammable debris near trestle, in section subject to forest fires is negligence.

Bateman v. Peninsular Ry.
Co. (Wash.), vol. 12, p.
678.

Care required to keep roadbed free of combustibles.

Waters v. Atlantic City R.
Co. (N. J.), vol. 15, p.
525.

Combustible matter on track.

Watt v. Nevada Central R.
Co. (Nev.), vol. 3, p. 659.

Duty to keep right of way free from combustibles.

St. Louis & S. F. Ry. Co.
v. Ludlum (Kan.), vol.
23, p. 851.

Liability for loss of house on right of way from fire originating in combustibles

FIRES SET BY LOCOMOTIVES—Continued.

accumulated on right of way.

Shields v. Norfolk & C. R. Co. (N. Car.), vol. 22, p. 635.

Liability of company for loss by fire of wood piled by licensee on company's land.

Boston Excelsior Co. v. Bangor & A. R. Co. (Me.), vol. 16, p. 654.

Liability of company where fire spreads from combustibles on right of way.

Pittsburg, C., C. & St. L. Ry. Co. v. Indiana H. Co. (Ind.), vol. 18, p. 83.

Negligence in allowing accumulation of combustible matter.

New York, P. & N. R. Co. v. Thomas (Va.), vol. 4, p. 240.

Pittsburg, C., C. & St. L. Ry. Co. v. Indiana H. Co. (Ind.), vol. 18, p. 83.

Shields v. Norfolk & C. R. Co. (N. Car.), vol. 22, p. 635.

Negligence in failure to burn off right of way.

Missouri, etc., Ry. Co. v. Lycan (Kan.), vol. 6, p. 781.

Constitutional Law.

Constitutionality of statute making railroad an insurer.

Blackmore v. Mo. Pac. Ry. Co. (Mo.), vol. 21, p. 360.

Statute imposing attorney's fee, constitutional.

Atchison, T. & S. F. R. Co. v. Matthews (U. S.), vol. 14, p. 89.

Statute providing that fact of communication of fire by railroad shall be prima facie evidence of negligence is constitutional.

Baltimore & O. S. W. Ry. Co. v. Tripp (Ill.), vol. 14, p. 119.

Validity of statutes making every railroad responsible in damages for property destroyed by fire originating from its locomotives and declaring such corporations to have an insurable

FIRES SET BY LOCOMOTIVES—Continued.

interest in property along their routes.

St. Louis & S. F. R. Co. v. Mathews (U. S.), vol. 6, p. 361.

Cotton destroyed by fire, liability of carriers.

Amory Mfg. Co. v. Gulf, C. & S. F. Ry. Co. (Tex.), vol. 8, p. 472.

Contributory Negligence.

Boston Excelsior Co. v. Bangor & A. R. Co. (Me.), vol. 16, p. 655.

Cleveland, C. C. & St. L. Ry. Co. v. Stephens (Ill.), vol. 11, p. 268.

Louisville & N. R. Co. v. Marbury L. Co. (Ala.), vol. 18, p. 508.

Matthews v. Missouri Pac. Ry. Co. (Mo.), vol. 10, p. 673.

Paris M. & S. P. R. Co. v. Nesbitt (Tex. Civ. App.), vol. 3, p. 448.

Combustibles of plaintiff near right of way.

Louisville & N. R. Co. v. Marbury L. Co. (Ala.), vol. 18, p. 508.

Due care of plaintiff's employees.

Richmond v. McNeill (Ore.), vol. 10, p. 691.

Duty of landowner to keep lookout for sparks.

Cleveland, C., C. & St. L. Ry. Co. v. Scantland (Ind.), vol. 14, p. 75.

Duty of owner of structure on right of way to guard against fires.

Louisville & N. R. Co. v. Samuels (Ky.), vol. 18, p. 374.

Effect of contributory negligence under statute creating absolute liability.

Boston Excelsior Co. v. Bangor & A. R. Co. (Me.), vol. 16, p. 654.

Exposure of combustibles as contributory negligence.

Kimball v. Borden (Va.), vol. 15, p. 519.

Inflammable building near right of way.

Cleveland, C., C. & St. L. Ry. Co. v. Scantland (Ind.), vol. 14, p. 75.

- FIRES SET BY LOCOMOTIVES—Continued.**
- Negligence of company need not be guarded against by adjoining owner.
Pittsburg, C., C. & St. L. Ry. Co. v. Indiana H. Co. (Ind.), vol. 18, p. 83.
- Not a defense to action for loss by fire, where statute requires company to show absence of negligence.
Peter v. Chicago & W. M. Ry. Co. (Mich.), vol. 15, p. 541.
- Not preventing recovery unless gross, under Massachusetts statute.
Bowen v. Boston & A. R. Co. (Mass.), vol. 23, p. 268.
- Permitting combustibles to accumulate on land adjacent to right of way.
Atchison, T. & S. F. Ry. Co. v. Ireton (Kan.), vol. 23, p. 847.
- Question for jury.
McTavish v. Great Northern Ry. Co. (N. Dak.), vol. 14, p. 59.
- Question whether precautions taken by landowner inviting dangerous engine upon premises were such as reasonable care would dictate was for jury.
Liverpool & L. & G. Ins. Co. v. Southern Pac. Co. (Cal.), vol. 15, p. 530.
- Damages.**
- Atchison, T. & S. F. R. Co. v. Hays (Kan. App.), vol. 11, p. 654.
- Lake Erie & W. R. Co. v. Falk (Ohio), vol. 17, p. 751.
- Matthews v. Missouri Pac. Ry. Co. (Mo.), vol. 10, p. 673.
- Watt v. Nevada, etc., R. Co. (Nev.), vol. 5, p. 700.
- Admissibility of evidence as to cost of building new house, in action for destruction of property by fire.
Alabama, G. S. R. Co. v. Johnston (Ala.), vol. 20, p. 909.
- Evidence as to value of trees destroyed by fire.
Missouri, etc., Ry. Co. v. Lycan (Kan.), vol. 6, p. 781.
- FIRES SET BY LOCOMOTIVES—Continued.**
- Injury to trees by fires caused by locomotives.
Missouri, etc., Ry. Co. v. Lycan (Kan.), vol. 6, p. 781.
- Measure of damages for injury to orchard.
Atchison, T. & S. F. Ry. Co. v. Emmerson (Kan.), vol. 8, p. 663.
- Measure of damages for property burned.
Watt v. Nevada Central R. Co. (Nev.), vol. 3, p. 659.
- Opinion as to value of property.
Matthews v. Missouri Pac. Ry. Co. (Mo.), vol. 10, p. 673.
- Recovery of attorney's fee in action for loss by fire.
St. Louis & S. F. Ry. Co. v. Ludlum (Kan.), vol. 23, p. 851.
- Right of defendant to complain that damages were inadequate.
Central of Ga. Ry. Co. v. Trammell (Ga.), vol. 23, p. 856.
- Showing what land produced before and after the fire.
Chicago & G. T. R. Co. v. Burden (Ind. App.), vol. 3, p. 448.
- Statute of Ohio providing for recovery of attorney's fees as costs in action for damages caused by fire is constitutional.
Baltimore & O. R. Co. v. Kreager (Ohio), vol. 18, p. 99.
- Testimony as to value of property destroyed, admissible.
Kansas City & O. R. Co. v. Rogers (Neb.), vol. 4, p. 617.
- Value of hay destroyed is the market price.
Watt v. Nevada Central R. Co. (Nev.), vol. 3, p. 659.
- Defect in engine and negligence in its operation are questions for jury where there is evidence of other fires set on same day by same engine, although statutory presumption of negligence has been overcome.
McTavish v. Great Northern Ry. Co. (N. Dak.), vol. 14, p. 59.

- FIRES SET BY LOCOMOTIVES—Continued.**
- Destroying wood illegally cut on public lands.
 - Northern Pac. R. Co. *v.* Lewis (U. S.), vol. 4, p. 262.
 - Duty of company.
 - Watt *v.* Nevada Central R. Co. (Nev.), vol. 3, p. 659.
 - West Jersey R. Co. *v.* Abbott (N. J.), vol. 8, p. 764.
 - Evidence.**
 - Admissibility in evidence of diagrams of house destroyed.
 - Alabama G. S. R. Co. *v.* Johnston (Ala.), vol. 20, p. 909.
 - Admissibility of evidence as to sparks being thrown by other locomotives.
 - Alabama, G. S. R. Co. *v.* Johnston (Ala.), vol. 20, p. 909.
 - Admissibility of evidence of other fires.
 - Brown *v.* Benson (Ga.), vol. 10, p. 161.
 - New York, P. & N. R. Co. *v.* Thomas (Va.), vol. 4, p. 240.
 - Admissibility of evidence of other fires set on same day.
 - Thomas *v.* New York, C. & St. L. R. Co. (Pa.), vol. 9, p. 132.
 - Admissibility of evidence showing that a spark subsequently fell upon a tent standing upon ground where the barn that had been burned stood.
 - Matthews *v.* Missouri Pac. Ry. Co. (Mo.), vol. 10, p. 673.
 - Admissibility of testimony of locomotive engineers as to distance live sparks could have been carried.
 - Peck *v.* New York Cent. & H. R. Co. (N. Y.), vol. 22, p. 808.
 - Another fire originating from same engine.
 - Chicago & G. T. R. Co. *v.* Burden (Ind. App.), vol. 3, p. 448.
 - Burden of proof as to negligence of railroad where origin of fire has been fixed upon it.
 - Patteson *v.* Chesapeake & O. R. Co. (Va.), vol. 6, p. 389.
- FIRES SET BY LOCOMOTIVES—Continued.**
- Burden of proof as to negligence where railroad had paid judgment against it and another party, in action by railroad against latter.
 - Boston & M. R. R. *v.* Sargent (N. H.), vol. 21, p. 335.
 - Burden of proof in action for fires set by locomotive.
 - Alabama & V. Ry. Co. *v.* Barrett (Miss.), vol. 20, p. 141.
 - Burden of proving negligence.
 - Garrett *v.* Southern Ry. Co. (C. C. A.), vol. 18, p. 529.
 - Circumstantial evidence of negligence in action for fires set by locomotives.
 - Alabama & V. Ry. Co. *v.* Barrett (Miss.), vol. 20, p. 141.
 - Circumstantial evidence of origin of fire sufficient.
 - McGinn *v.* Platt (Mass.), vol. 19, p. 245.
 - Direction of verdict for defendant.
 - Alabama, G. S. R. Co. *v.* Taylor (Ala.), vol. 21, p. 135.
 - Error in admitting evidence as to distance that sparks may be thrown.
 - Peck *v.* New York Cent. & H. R. Co. (N. Y.), vol. 22, p. 808.
 - Evidence as to origin of fire in elevator.
 - Cox *v.* Vermont Cent. R. Co. (Mass.), vol. 9, p. 591.
 - Evidence as to ownership of property destroyed.
 - Alabama G. S. R. Co. *v.* Johnston (Ala.), vol. 20, p. 909.
 - Evidence in rebuttal to show that such engines throw sparks.
 - Bowen *v.* Boston & A. R. Co. (Mass.), vol. 23, p. 267.
 - Evidence of defects in spark arrester.
 - Louisville & N. R. Co. *v.* Samuels (Ky.), vol. 18, p. 374.
 - Evidence of existence of defects in appliances.
 - Brown *v.* Benson (Ga.), vol. 10, p. 161.

FIRES SET BY LOCOMOTIVES—*Continued.*

Evidence of negligence under Ill. Rev. St., ch. 114, § 103, making fact that fire was set by locomotive, *prima facie* evidence of negligence.

Norris *v.* Baltimore & O. S. W. R. Co. (C. C. A.), vol. 22, p. 806.

Evidence of origin.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Indiana H. Co. (Ind.), vol. 18, p. 83.

Evidence of other fires.

Galveston, H. & S. A. Ry. Co. *v.* Hertzog (Tex. Civ. App.), vol. 12, p. 846.

Hygienic Plate-Ice M. Co. *v.* Raleigh & Air-Line R. Co. (N. Car.), vol. 18, p. 78.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Indiana H. Co. (Ind.), vol. 18, p. 83.

Evidence of other fires in action for fire caused by accumulation of combustibles on right of way.

Wabash R. Co. *v.* Miller (Ind.), vol. 23, p. 843.

Evidence of subsequent precautions of company admissible.

Young *v.* Great Northern Ry. Co. (N. Dak.), vol. 14, p. 72.

Evidence sufficient to warrant the court in submitting the case to the jury.

Brown *v.* Benson (Ga.), vol. 5, p. 316.

Evidence that defendant has paid damages for injuries to other property caused by same fire.

Galveston, H. & S. A. Ry. Co. *v.* Hertzog (Tex. Civ. App.), vol. 12, p. 846.

Evidence to show that fire was caused by sparks from engine.

Finkelston *v.* Chicago, etc., R. Co. (Wis.), vol. 6, p. 193.

Evidence to support charge of negligence in causing fire.

Taylor *v.* Pennsylvania Schuylkill Valley R. Co. (Pa. St.), vol. 4, p. 258.

FIRES SET BY LOCOMOTIVES—*Continued.*

In action under the Illinois statute, to recover for damages caused by fire set by engine, particular facts constituting negligence need not be proven.

Chicago & A. R. Co. *v.* Glenny (Ill.), vol. 12, p. 839.

Instructions as to evidence.

Cleveland, C., C. & St. L. Ry. Co. *v.* Scantland (Ind.), vol. 14, p. 75.

Making negligence a question for jury.

Alabama, G. S. R. Co. *v.* Taylor (Ala.), vol. 21, p. 135.

Of negligence.

Louisville & N. R. Co. *v.* Marbury L. Co. (Ala.), vol. 18, p. 508.

Only necessary to show facts from which negligence may be inferred where fires are set by locomotives.

Peck *v.* New York Cent. & H. R. R. Co. (N. Y.), vol. 22, p. 808.

Presumption of negligence.

Gainesville, J. & S. R. Co. *v.* Edmondson (Ga.), vol. 10, p. 154.

Gulf, C. & S. F. Ry. Co. *v.* Johnson (Tex.), vol. 14, p. 82.

McCullen *v.* Chicago & N. W. Ry. Co. (C. C. A.), vol. 18, p. 500.

Presumption of negligence from, how rebutted.

Alabama G. S. R. Co. *v.* Johnston (Ala.), vol. 20, p. 909.

Presumption of negligence from origin of fire.

Farrington *v.* Rutland R. Co. (Vt.), vol. 19, p. 248.

Presumption that employees causing were acting within scope of their employment.

Baxter *v.* Great Northern Ry. Co. (Minn.), vol. 14, p. 85.

Prima facie case of negligence.

Alabama & V. Ry. Co. *v.* Barrett (Miss.), vol. 20, p. 141.

FIRES SET BY LOCOMOTIVES—*Continued.*

- Rebuttal of presumption of negligence.
Alabama, G. S. R. Co. v. Taylor (Ala.), vol. 21, p. 135.
- Drake v. Yazoo & M. V. R. Co. (Miss.), vol. 21, p. 141.
- Right of counsel to exhibit diagram of engine in action for fires set by locomotives.
Clisby v. Mobile & O. R. Co. (Miss.), vol. 22, p. 179.
- Sparks from other locomotives, at other times.
McGinn v. Platt (Mass.), vol. 19, p. 245.
- Speed of train.
Bell v. Alabama Midland R. Co. (Ala.), vol. 3, p. 448.
- Speed of train as evidence of negligence.
Louisville & N. R. Co. v. Marbury L. Co. (Ala.), vol. 18, p. 508.
- Sufficiency of evidence as to origin.
Minneapolis Sash & Door Co. v. Great Northern Ry. Co. (Minn.), vol. 21, p. 750.
- Weight of testimony.
Dunning v. Maine Cent. R. Co. (Me.), vol. 9, p. 574.
- Whether presumption of negligence can be rebutted in action for injury from fire set by locomotive.
Central of Ga. Ry. Co. v. Trammell (Ga.), vol. 23, p. 856.
- Harmless error in instruction not warranted by evidence.
Central of Ga. Ry. Co. v. Trammell (Ga.), vol. 23, p. 856.
- In absence of negligence railroads not liable for injuries from fires set by locomotives.
Peck v. New York Cent. & H. R. R. Co. (N. Y.), vol. 22, p. 808.
- In action under Mississippi Code 1892, § 3546, ch. 63, speed within city limits in violation of statute will not render company liable for

FIRES SET BY LOCOMOTIVES—*Continued.*

- fires set by locomotive exceeding such speed, unless proximate cause.
Clisby v. Mobile & O. R. Co. (Miss.), vol. 22, p. 179.
- Instruction.
Liverpool & L. & G. Ins. Co. v. Southern Pac. Co. (Cal.), vol. 15, p. 530.
- Insurance.
Matthews v. Missouri Pac. Ry. Co. (Mo.), vol. 10, p. 673.
- Company not liable for destruction of property not insurable.
Pierce v. Bangor & A. R. Co. (Me.), vol. 18, p. 533.
- Effect of inability to procure insurance, where statute makes company an insurer.
Dean v. Charleston & W. C. Ry. Co. (S. Car.), vol. 15, p. 555.
- Liability for damages caused by, co-extensive with right to insure.
Pierce v. Bangor & A. R. Co. (Me.), vol. 18, p. 533.
- Proof of loss admissible in action for reimbursement, by subrogated insurer.
Liverpool & L. & G. Ins. Co. v. Southern Pac. Co. (Cal.), vol. 15, p. 530.
- Right of insurer to recover.
Omaha & R. V. Ry. Co. v. Granite State Fire Ins. Co. (Neb.), vol. 14, p. 140.
- Subrogation of insurer.
Chicago & A. R. Co. v. Glenny (Ill.), vol. 12, p. 839.
- Lake Erie & W. R. Co. v. Falk (Ohio), vol. 17, p. 751.
- What property insurable.
Pierce v. Bangor & A. R. Co. (Me.), vol. 18, p. 533.
- Jurisdiction of justice's court.
Bagley v. Columbus (Ga.), vol. 5, p. 700.
- Liability of carrier for loss of freight by fire from failure to ship in time.
Hernsheim v. Newport News, etc., Co. (Ky.), vol. 6, p. 772.

FIRES SET BY LOCOMOTIVES—*Continued.*

Liability of company for injury to nonabutting property.
Lumberman's Mut. Ins. Co. v. Kansas City, Ft. S. & M. R. Co. (Mo.), vol. 14, p. 127.

Liability of railroad absolute under Ohio statute.

Lake Erie & W. R. Co. v. Falk (Ohio), vol. 17, p. 751.

Liability of railroad company for loss by fire of grain in elevator.

Cox v. Vermont Cent. R. Co. (Mass.), vol. 9, p. 591.

Liability of receiver for damages by fires.

Wall v. Platt (Mass.), vol. 9, p. 563.

Negligence.

Atchison, T. & S. F. R. Co. v. Emmerson (Kan.), vol. 8, p. 663.

Negligence an essential element under Ohio statute, in action for loss from fires set by engines.

Continental Trust Co. v. Toledo, St. Louis & R. C. R. Co. (Ohio), vol. 12, p. 854.

Negligence a question for jury.
Baltimore & O. S. W. Ry. Co. v. Tripp (Ill.), vol. 14, p. 119.

Negligence a question for jury where presumption of negligence has been rebutted.

McCullen v. Chicago & N. W. Ry. Co. (C. C. A.), vol. 18, p. 500.

Negligence in causing fire a question for jury.

Thomas v. New York, C. & St. L. R. Co. (Pa.), vol. 9, p. 132.

Negligence in knowingly suffering fire to escape.

Pittsburg, C., C. & St. L. Ry. Co. v. Indiana H. Co. (Ind.), vol. 18, p. 83.

Negligence, Kansas statutes, precedents.

Atchison, T. & S. F. R. Co. v. Hays (Kan. App.), vol. 11, p. 654.

Negligence may be inferred from emission of sparks in unusual quantity.

Peck v. New York Cent. & H. R. R. Co. (N. Y.), vol. 22, p. 808.

FIRES SET BY LOCOMOTIVES—*Continued.*

Negligence of company need not be alleged nor proven in action under Ohio statute making liability of railway absolute where fire is started on right of way.

Baltimore & O. R. Co. v. Kreager (Ohio), vol. 18, p. 99.

Ohio statute does not make liability of railway absolute where fire is started on adjacent land.

Baltimore & O. R. Co. v. Kreager (Ohio), vol. 18, p. 99.

Origin of Fire.

Burden of proof.

Paris, M. & S. P. R. Co. v. Nesbitt (Tex. Civ. App.), vol. 3, p. 448.

Burden of proof as to negligence of railroad where origin of fire has been fixed upon it.

Patteson v. Chesapeake & O. R. Co. (Va.), vol. 6, p. 389.

Erroneous instruction.

Osborne v. Chicago & W. M. Ry. Co. (Mich.), vol. 8, p. 297.

Origin of fire and negligence of railroad, question for jury.

Patteson v. Chesapeake & O. R. Co. (Va.), vol. 6, p. 389.

Question for jury.

Brown v. Benson (Ga.), vol. 10, p. 161.

Southern Ry. in Kentucky v. Hanna (Ky.), vol. 15, p. 524.

Statute of Iowa as to fires caused by "operating" railroads.

Connors v. Chicago & N. W. Ry. Co. (Iowa), vol. 18, p. 75.

Sufficiency of evidence of origin of fire.

Bowen v. Boston & A. R. Co. (Mass.), vol. 23, p. 267.

Brennan Lumber Co. v. Great Northern Ry. Co. (Minn.), vol. 15, p. 478.

Southern Ry. Co. v. Williams (Ga.), vol. 22, p. 415.

FIRES SET BY LOCOMOTIVES—Continued.

When question for jury.

McCullen *v.* Chicago & N. W. Ry. Co. (C. C. A.), vol. 18, p. 500.

Where the fact that engine causing the fire passed along defendant's road is undisputed, no error is committed in assuming such to be the case in instructing the jury.

Chicago & A. R. Co. *v.* Glenny (Ill.), vol. 12, p. 839.

Ownership of right of way need not be proven.

McTavish *v.* Great Northern Ry. Co. (N. Dak.), vol. 14, p. 59.

Pleading in action to recover for damage caused by.

Louisville & N. R. Co. *v.* Spring-Water Distilling Co. (Ky.), vol. 15, p. 527.

Pleading negligence under Ohio statute where fire started on adjacent land.

Baltimore & O. R. Co. *v.* Kreager (Ohio), vol. 18, p. 99.

Proof of particular facts constituting negligence not necessary under Illinois statute.

Chicago & A. R. Co. *v.* Glenny (Ill.), vol. 12, p. 839.

Proximate Cause.

Boston Excelsior Co. *v.* Bangor & A. R. Co. (Me.), vol. 16, p. 654.

Hoffman *v.* King (N. Y.), vol. 16, p. 764.

Where fire destroys property after crossing intervening land.

Alabama & V. Ry. Co. *v.* Barrett (Miss.), vol. 20, p. 141.

Van Inwegen *v.* Port Jervis, etc., R. Co. (N. Y.), vol. 20, p. 352.

Rebutting presumption of negligence.

Louisville & N. R. Co. *v.* Marbury L. Co. (Ala.), vol. 18, p. 508.

Special verdict.

Louisville, etc., R. Co. *v.* Porter (Ind.), vol. 5, p. 700.

FIRES SET BY LOCOMOTIVES—Continued.

Statutes of limitation in action for loss by fire.

Louisville & N. R. Co. *v.* Spring-Water Distilling Co. (Ky.), vol. 15, p. 527.

Statute of Ohio creates absolute liability.

Baltimore & O. R. Co. *v.* Kreager (Ohio), vol. 18, p. 99.

Sufficiency of allegation of cause of action.

Alabama, G. S. R. Co. *v.* Johnston (Ala.), vol. 20, p. 909.

Sufficiency of complaint.

Chicago & G. T. R. Co. *v.* Burden (Ind. App.), vol. 3, p. 447.

Sufficiency of evidence.

Southern Ry. Co. *v.* Myers (Ga.), vol. 16, p. 672.

Southern Ry. Co. *v.* Williams (Ga.), vol. 22, p. 415.

Sufficiency of evidence as to negligence.

Gainesville, J. & S. R. Co. *v.* Edmondson (Ga.), vol. 10, p. 154.

Sufficiency of evidence of negligence in action for injury from fire set by locomotive.

Central of Ga. Ry. Co. *v.* Trammell (Ga.), vol. 23, p. 856.

Sufficiency of evidence, question for jury.

Van Steuben *v.* Central R. Co. of New Jersey (Pa.), vol. 9, p. 485.

Trespass on case as remedy.

Northern Pac. R. Co. *v.* Lewis (U. S.), vol. 4, p. 258.

Whether the emission of sparks from an engine is evidence of negligence is a question of fact.

Baltimore & O. S. W. Ry. Co. *v.* Tripp (Ill.), vol. 14, p. 119.

Wind as intervening cause of destruction of property.

Alabama G. S. R. Co. *v.* Johnston (Ala.), vol. 20, p. 909.

FISH CHUTES.

See Master and Servant.

FIXTURES.

See Eminent Domain.

Tracks of railroad company do not pass with land sold at tax sale for taxes due by landowner.

Illinois Cent. R. Co. *v.* Le Blanc (Miss.), vol. 12, p. 877.

FLAGMAN.

See Crossings.

Master and Servant.

Failure to station as negligence.

Huntress *v.* Boston, etc., R. Co. (N. H.), vol. 4, p. 257.

FLOODS.

See Carriers of Passengers.

Water and Watercourses.

Act of God.

Fremont, etc., R. Co. *v.* Harlin (Neb.), vol. 8, p. 766.

Wald *v.* Pittsburgh, C., C. & St. L. R. Co. (Ill.), vol. 5, p. 70.

Care in construction of road.

St. Louis, I. M. & S. R. Co. *v.* Bland (Tex. Civ. App.), vol. 3, p. 423.

Damage to land caused by overflow of water arising from the construction of railroad.

Parker *v.* Norfolk & C. R. Co. (N. Car.), vol. 6, p. 716.

Delay in shipment of cattle.

St. Louis, I. M. & S. R. Co. *v.* Bland (Tex. Civ. App.), vol. 3, p. 423.

Duty of company.

Georgia Ry., etc., Co. *v.* Bohler (Ga.), vol. 8, p. 767.

Extraordinary flood, question of fact.

Brown *v.* Pine Creek Ry. Co. (Pa.), vol. 8, p. 693.

Georgia Ry., etc., Co. *v.* Bohler (Ga.), vol. 8, p. 766.

Flooding farm lands.

Canton, A. & N. R. Co. *v.* Paine (Miss.), vol. 3, p. 453.

Johnstown flood.

Brown *v.* Pine Creek Ry. Co. (Pa.), vol. 8, p. 693.

FOOT STOOLS.

See Carriers of Passengers.

FORECLOSURE.

See Mortgages.

Receivers.

Sales.

FORECLOSURE—Continued.

Assignee of purchaser at sale as party to proceedings.

Baltimore Trust & Guarantee Co. *v.* Hofstetter (C. C. A.), vol. 10, p. 783.

Liens, terms of decree.

Baltimore Trust & Guarantee Co. *v.* Hofstetter (C. C. A.), vol. 10, p. 783.

Columbus, S. & H. R. Co. Appeals (C. C. A.), vol. 22, p. 209.

Title to earnings where purchaser delays complying with terms of his bid.

Boyle *v.* Farmers' Loan & Trust Co. (C. C. A.), vol. 14, p. 817.

FOREIGN CARS.

See Carriers of Goods.

Evidence.

Inspection.

Master and Servant.

FOREIGN CORPORATIONS.

See Municipal Aid Bonds.

Process.

Railroads.

Removal of Causes.

Eminent Domain.

New York statutes.

New York, New Haven, etc., R. Co. *v.* Welsh (N. Y.), vol. 3, p. 229.

Power of legislature to authorize condemnation proceedings by foreign railroad company.

New York, N. H., etc., R. Co. *v.* Welsh (N. Y.), vol. 3, p. 229.

How made domestic corporation.

Louisville, N. A. & C. Ry. Co. *v.* Louisville Trust Co. (U. S.), vol. 15, p. 345.

Interstate commerce.

Averill *v.* Southern Ry. Co. (U. S.), vol. 5, p. 704.

Pleading and proving charter.

Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Ala.), vol. 13, p. 423.

Powers of.

State *v.* Southern Pac. Co. (La.), vol. 18, p. 762.

Right to garnish foreign railroad corporation for wages of employee earned within state.

Kansas City, etc., R. Co. *v.* Parker (Ark.), vol. 22, p. 441.

FOREIGN CORPORATIONS— FRANCHISES.*Continued.*

Service of process on agents of.
Wall v. Chesapeake & O. Ry. Co. (C. C. A.), vol. 15, p. 413.

Situs of cars for taxation.

Union Refrig. Trans. Co. v. Lynch (Utah), vol. 13, p. 868.

Venue of action where goods are injured in transit.

Texas & P. Ry. Co. v. Hornbeck (Tex.), vol. 9, p. 238.

*See Assignments.**Executions.**Grants.**Railroads.**Street Railways.**Taxation.*

Acquirement of railroad franchises by natural persons.

Parker v. Elmira, C. & N. R. Co. (N. Y.), vol. 20, p. 345.

Assignment.

Santa Rosa City Railroad Co. v. Central Street Railway Co. (Cal.), vol. 1, p. 106.

Authority to grant right to use public streets of a city for railroad, primarily resides in city.
Beekman v. Third Ave. R. Co. (N. Y.), vol. 8, p. 23.

Construction of franchises relating to fares.

Beekman v. Third Ave. R. Co. (N. Y.), vol. 8, p. 23.

Effect of special statute upon railroad franchises, construed.

Frostburg Mining Co. v. Cumberland & Pa. R. Co. (Md.), vol. 2, p. 568.

Extension of franchise.

Frostburg Mining Co. v. Cumberland & Pa. R. Co. (Md.), vol. 2, p. 568.

Improper use of franchise.

Thomas v. St. Louis, etc., Ry. Co. (Ill.), vol. 8, p. 760.

New York statute as to sale of franchises.

Beekman v. Third Ave. R. Co. (N. Y.), vol. 8, p. 23.

Power of municipality to grant franchise.

Sun Printing, etc., Ass'n v. Mayor of New York (N. Y.), vol. 8, p. 771.

Right of municipality to attack validity of franchise collaterally.

Bonaparte v. Baltimore, Hampden & Lake Roland R. Co. (Md.), vol. 1, p. 119.

Chesapeake & O. Canal Co. v. Baltimore & O. R. Co. (Md.), vol. 1, p. 119.

Hodges v. Baltimore Union Pass. R. Co. (Md.), vol. 1, p. 119.

State ex rel. *Baltimore, C. & P. B. R. Co. v. Latrobe* (Md.), vol. 1, p. 119.

Sale of franchises under execution.

Simmons v. Worthington (Mass.), vol. 10, p. 771.

FOREIGN LAWS.*See Conflict of Laws.**Judicial Notice.**Master and Servant.**Pleading.*

Presumptions.

Chesapeake & N. R. Co. v. Venable (Ky.), vol. 21, p. 449.

Presumption as to effect of common law in sister state.

Crandall v. Great Northern Ry. Co. (Minn.), vol. 21, p. 388.

Presumption as to foreign employers' liability act.

Mexican Cent. Ry. Co., Limited, v. Glover (C. C. A.), vol. 21, p. 272.

Right to recover in federal court for injury to employee inflicted in Mexico.

Mexican Cent. Ry. Co. v. Jones (C. C. A.), vol. 21, p. 200.

FOREIGN RECEIVERS.

Power of receiver appointed by foreign court to replevy property.

Robertson v. Stead (Mo.), vol. 4, p. 529.

FOREMAN.*See Fellow Servants.***FORFEITURE.***See Public Lands.**Railroads.**Right of Way.**Tickets and Fares.***FORGERY.***See Pay Checks.***FORMA PAUPERIS.***See Actions.***FORWARDERS.***See Carriers of Goods.**Connecting Carriers.*

FRAUD.

*See Carriers of Goods.
Contracts.*

Fraud in procuring contract to convey land to railroad company.

Grand Tower & Cape Girardeau R. Co. *v.* Wolton (Ill.), vol. 1, p. 686.

Specific performance.

Grand Tower & Cape Girardeau R. Co. *v.* Wolton (Ill.), vol. 1, p. 686.

FRAUDS, STATUTE OF.

Verbal contract by railroad to maintain switch for benefit of shipper.

Warner *v.* Texas & P. R. Co. (U. S.), vol. 6, p. 696.

FREE PASSES.

*See Carriers of Passengers.
Passes.
Tickets and Fares.*

FREE TRANSPORTATION.

See Carriers of Passengers.

FREIGHT.

See Carriers of Goods.

FREIGHT AGENTS.

See Carriers of Freight.

FREIGHT RATES.

See Interest.

FREIGHT TRAINS.

See Carriers of Passengers.

FRIGHT.

See Personal Injuries.

FRIGHTENING TEAMS.

*See Crossings.
Railroads.*

Admissibility of evidence as to failure to give signals.

Ohio Val. R. Co.'s Receiver *v.* Young (Ky.), vol. 8, p. 399.

Blowing whistle beneath bridge.

Mitchell *v.* Nashville, C. & St. L. Ry. Co. (Tenn.), vol. 10, p. 775.

Breaking of trolley wire.

Kepner *v.* Harrisburg Traction Co. (Pa.), vol. 8, p. 493.

Care required of railroads in streets.

Louisville & N. R. Co. *v.* Penrod (Ky.), vol. 17, p. 759.

FRIGHTENING TEAMS—Continued.

Care to be exercised in running cars so as not to frighten horses.

McCann *v.* Consolidated Traction Co. (N. J.), vol. 7, p. 280.

Contributory Negligence.

Attempting to cross in front of locomotive emitting steam.

Miller *v.* Wellington & P. R. Co. (N. Car.), vol. 20, p. 557.

Contributory negligence of husband must be pleaded in action for injuries to wife.

Missouri, etc., R. Co. *v.* Jamison (Tex. Civ. App.), vol. 3, p. 442.

Driver's care a question for jury.

Illinois Cent. R. Co. *v.* Griffin (Ill.), vol. 17, p. 767.

Guest not liable for driver's negligence.

Pyle *v.* Clark (Utah), vol. 5, p. 156.

Habitual disregard of rules of railroad company.

Alabama, etc., R. Co. *v.* Roach (Ala.), vol. 5, p. 706.

Incurring apparent and eminent danger.

Wherry *v.* Duluth, M. & N. Ry. Co. (Minn.), vol. 4, p. 72.

Injury caused by an endeavor to escape from apparent danger.

Missouri, K. & T. Ry. Co. of Texas *v.* Rogers (Tex.), vol. 8, p. 141.

Injury caused to one by negligence of driver of wagon in which he was riding.

Missouri, K. & T. Ry. Co. of Texas *v.* Rogers (Tex.), vol. 8, p. 141.

Question of law.

Miller *v.* Wellington & P. R. Co. (N. Car.), vol. 20, p. 557.

Where whistle was blown beneath bridge.

Mitchell *v.* Nashville, C. & St. L. Ry. Co. (Tenn.), vol. 10, p. 775.

Crossings.

Flaherty *v.* Harrison (Wis.), vol. 10, p. 176.

FRIGHTENING TEAMS—Continued.

Discharge of steam by engines at crossings.

Boothby *v.* Boston & M. R. R. (Me.), vol. 8, p. 299.

Duty to look out for teams near crossing.

Inabnett *v.* St. Louis, etc., Ry. Co. (Ark.), vol. 20, p. 590.

Engine under excessive and unnecessary pressure of steam.

Louisville, N. A. & C. Ry. Co. *v.* Schmidt (Ind.), vol. 6, p. 571.

Exemplary damages for willfulness and recklessness.

Proctor *v.* Southern Ry. Co. (S. Car.), vol. 22, p. 426.

Failure to comply with statutory requirements as to crossings.

Atlanta, K. & N. Ry. Co. *v.* Durham (Ga.), vol. 16, p. 606.

It is not negligence to obstruct crossings with engine emitting steam, for a few minutes, in order to transact business.

Miller *v.* Wellington & P. R. Co. (N. Car.), vol. 20, p. 557.

Liability for frightening team on side track as affected by speed and failure to give crossing signals.

Coleman *v.* Wrightsville & T. R. Co. (Ga.), vol. 23, p. 863.

Duty of motorman.

Omaha St. R. Co. *v.* Duvall (Neb.), vol. 1, p. 269.

Eminent domain.

Chicago, etc., R. Co. *v.* Shafer (Neb.), vol. 5, p. 698.

Escape of steam, horses frightened by escape of steam, where defendant was not negligent.

Philadelphia, W. & B. R. Co. *v.* Burkhardt (Ind.), vol. 5, p. 189.

Evidence.

Evidence of horse's disposition.

Illinois Cent. R. Co. *v.* Griffin (Ill.), vol. 17, p. 767.

Evidence of subsequent fright at same object.

Valley *v.* Concord & M. R. R. (N. H.), vol. 9, p. 128.

FRIGHTENING TEAMS—Continued.

Failure to warn persons near track of approach of train must be proximate cause of injury.

Coleman *v.* Wrightsville & T. R. Co. (Ga.), vol. 23, p. 863.

Giving signals.

Ochiltree *v.* Chicago & N. W. Ry. Co. (Iowa), vol. 9, p. 30.

Hand car on side track.

Atchison, T. & S. F. R. Co. *v.* Morrow (Kan.), vol. 5, p. 262.

Horses frightened by lumber near highway.

Valley *v.* Concord & M. R. R. (N. H.), vol. 9, p. 128.

Instruction as to liability for negligently and wantonly blowing whistle.

Everett *v.* Receivers of Richmond & D. R. Co. (N. Car.), vol. 8, p. 523.

Issues.

Chattanooga & D. R. Co. *v.* Voils (Ga.), vol. 21, p. 302.

Liability for negligence in operation of cars furnished to another company and operated on latter's road.

Thompson *v.* Dotterer (La.), vol. 21, p. 14.

Liability of company on account of ordinary noises.

Ohio Val. R. Co.'s Receiver *v.* Young (Ky.), vol. 8, p. 399.

Liability of railroad company for wanton acts of employees.

International & G. N. R. Co. *v.* Yarbrough (Tex.), vol. 7, p. 733.

Liability where horse is frightened by street car left near street railway barn to be unloaded, as between street railway company and steam railway by which it had been hauled.

Patnoudé *v.* New York, etc., R. Co. (Mass.), vol. 23, p. 860.

Liability where horses are frightened by usual and necessary noises.

Central of Ga. Ry. Co. *v.* Black (Ga.), vol. 23, p. 864.

Negligence.

Brendle *v.* Spencer (N. Car.), vol. 16, p. 722.

Negligence in blowing whistle a question for the jury.

Flynn *v.* Boston & A. R. Co. (Mass.), vol. 8, p. 691.

FRIGHTENING TEAMS—Continued.

Negligence in unnecessarily blowing whistle.

Inabnett v. St. Louis, etc., Ry. Co. (Ark.), vol. 20, p. 590.

Negligently sounding whistle.

Weil v. St. Louis S. W. Ry. Co. (Ark.), vol. 9, p. 721.

No liability for frightening horses through the noises usually incident to operation of railway.

Dewey v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 11, p. 275.

Proximate cause where horses frightened by escape of steam during delay caused by violation of ordinance in failing to raise safety gates.

Simmons v. Pennsylvania R. Co. (Pa.), vol. 21, p. 466.

Questions of law and fact.

Weil v. St. Louis S. W. Ry. Co. (Ark.), vol. 9, p. 721.

Railway company piling cinders on public highway near crossing in such a way as to frighten horses is guilty of negligence.

Illinois Cent. R. Co. v. Griffin (Ill.), vol. 17, p. 767.

Signals, railroads in street.

Louisville & N. R. Co. v. Penrod (Ky.), vol. 17, p. 759.

Sounding whistle under bridge unnecessarily, as negligence.

Louisville & N. R. Co. v. Shearer (Ky.), vol. 20, p. 138.

Street railways.

Flewelling v. Lewiston & A. H. R. Co. (Me.), vol. 6, p. 501.

Sufficiency of evidence to sustain verdict for plaintiff.

Central of Ga. Ry. Co. v. Black (Ga.), vol. 23, p. 864.

Wanton act of employee.

Southern Ry. Co. v. Pool (Ga.), vol. 15, p. 617.

Wanton and willful negligence.

Brendle v. Spencer (N. Car.), vol. 16, p. 722.

Whether failure to give signal of approach to overhead bridge is negligence, question for jury.

Louisville & N. R. Co. v. Shearer (Ky.), vol. 20, p. 138.

Whether signal was necessary was a question for jury.

Weil v. St. Louis S. W. Ry. Co. (Ark.), vol. 9, p. 721.

FROGS.

See Master and Servant.

GARNISHMENT.

See Carriers of Freight. Railroads.

Conclusiveness of judgment against garnishee as to whether plaintiff had obtained valid judgment against main debtor.

Holbrook v. Evansville, etc., R. Co. (Ga.), vol. 23, p. 598.

Effect of garnishment after delivery to carrier.

Baldwin v. Great Northern Ry. Co. (Minn.), vol. 19, p. 202.

Garnishee's right of appeal.

Santa Fe Pac. R. Co. v. Bossut (N. Mex.), vol. 19, p. 683.

Right to garnish foreign railroad corporation on account of wages earned within state.

Kansas City, etc., R. Co. v. Parker (Ark.), vol. 22, p. 441.

Right to garnish one railway company on judgment against employee of another when they have officers in common.

St. Louis S. W. Ry. Co. v. Gate City Co-op. Grocery Co. (Ark.), vol. 23, p. 875.

Service of summons upon railroad.

Holbrook v. Evansville, etc., R. Co. (Ga.), vol. 23, p. 597.

GATES.

See Crossings.

Elevated Railways.

Fences.

Stock, Injuries to.

GAUGE.

Change of gauge fixed by charter.

Walker v. City of Denver (C. C. A.), vol. 6, p. 206.

GENERAL DAMAGES.

See Damages.

GRADE CROSSINGS.

See Crossings.

Crossing of Railroads.

GRANTS.

See Franchises.

Ordinances.

Public Lands.

Right of Way.

Street Railways.

Reversion of land not caused by mere breach of grantor's per-

GRANTS—Continued.

sonal covenant to locate stations.

Behlow *v.* Southern Pac. Ry. Co. (Cal.), vol. 19, p. 392.

Right to invoke statute providing for forfeiture of land for failure to operate railroads.

Behlow *v.* Southern Pac. Ry. Co. (Cal.), vol. 19, p. 392.

Use of land for railroad purposes preventing reversion.

Behlow *v.* Southern Pac. Ry. Co. (Cal.), vol. 19, p. 392.

GROSS NEGLIGENCE.

See Contributory Negligence. Damages.

Master and Servant. Negligence.

Definition.

Macon *v.* Paducah St. Ry. Co. (Ky.), vol. 22, p. 614.

Question for jury in action for personal injuries from hanging electric railway wire.

Macon *v.* Paducah St. Ry. Co. (Ky.), vol. 22, p. 614.

GUARANTY.

See Bonds.

GUARDIAN AND WARD.

Power of guardian to sue for injury to ward by carrier of passengers.

Cleveland, etc., Ry. Co. *v.* Moneyhun (Ind.), vol. 5, p. 682.

HACKMEN.

See Stations and Depots.

HACK STANDS.

See Injunctions.

Stations and Depots.

HAND CARS.

See Children.

Collisions.

Master and Servant. Railroads.

Collision injuring employee.

Alabama Mineral R. Co. *v.* Jones (Ala.), vol. 8, p. 383.

Woodward Iron Co. *v.* Andrews (Ala.), vol. 8, p. 756.

HARBOR LINES.

Right of company to restrain establishment of harbor lines.

Prosser *v.* Northern Pac. R. Co. (U. S.), vol. 1, p. 717.

HARMLESS ERROR.

See Evidence.

Instructions.

Pleading.

Reversal.

HEALTH.

See Damages.

HEARSAY EVIDENCE.

See Evidence.

Hearsay evidence of what plaintiff said to physician in action for injuries to passenger.

Webber *v.* St. Paul City Ry. Co. (Minn.), vol. 6, p. 774.

Personal injuries.

Boston & Albany R. Co. *v.* O'Reilly (U. S.), vol. 2, p. 377.

Physician allowed to testify that one who had received personal injuries did not know that he had paid the physician's office a visit after receiving the injuries.

Western & A. R. Co. *v.* Stafford (Ga.), vol. 5, p. 172.

HIGHWAYS.

See Crossings.

Municipal Corporations. Streets.

Street Railways.

Rahn Tp. *v.* Tamaqua & L. St. R. Co. (Pa. St.), vol. 1, p. 197.

Authority of township to grant use of highways.

Pennsylvania Railroad Co. *v.* Montgomery County Passenger Railway Co. (Pa.), vol. 1, p. 190.

Bridge as part of highway.

Pittsburg & West End Passenger Railway Co. *v.* Point Bridge Co. (Pa.), vol. 1, p. 209.

Consent of township to occupy. West Jersey Traction Co. *v.* Camden Horse R. Co. (N. J.), vol. 1, p. 133.

County road over right of way. Gulf, C. & S. F. Ry. Co. *v.* Milam County (Tex.), vol. 7, p. 780.

Crossings.

Duty of railway as to leaving highway in good condition. Sutton *v.* Chicago, etc., R. Co. (Wis.), vol. 10, p. 100.

HIGHWAYS—Continued.

- Railroad's right to compensation where street is constructed across its right of way.
Paterson, N. & N. Y. R. Co. v. Mayor, etc., of City of Newark (N. J.), vol. 10, p. 182.
- Dedication, whether the leaving of strips of land on either side of depot open to the public, amounts to a dedication.
City of Chicago v. Chicago, Rock Island, etc., R. Co. (Ill.), vol. 1, p. 1.
- Discontinuance of, does not affect easements of adjoining owner.
Central Trust Co. of N. Y. v. Hennen (C. C. A.), vol. 13, p. 409.
- Duties of street railways and public as to use of street.
Buttelli v. Jersey City, etc., Ry. Co. (N. J.), vol. 7, p. 784.
- Duty of railroad company to restore highway.
Leitch v. Chicago, etc., Ry. Co. (Wis.), vol. 6, p. 782.
- Duty of railroad to maintain wagon way to freight yard.
Curtis v. De Coursey (Pa.), vol. 5, p. 416.
- Liability of successor of railroad company for restoration of highway.
Allen v. Buffalo, R. & P. Ry. Co. (N. Y.), vol. 9, p. 265.
- Obstruction of.
Buchholz v. New York, L. E. & W. R. Co. (N. Y.), vol. 3, p. 453.
Knowles v. Pennsylvania R. Co. (Pa.), vol. 6, p. 781.
- Paralleling of, by railroad gives county no right of action for damages.
Richmond, N. I. & B. R. Co. v. Estill County (Ky.), vol. 13, p. 365.
- Public loss in right at crossing.
In re Railroad Crossing in Town of Old Orchard (Me.), vol. 10, p. 870.
- Railroads as public highway.
Roberts v. Northern Pacific Railroad Co. (U. S.), vol. 3, p. 106.
- Railways on county roads.
Lehigh Coal & N. Co. v. Inter-County St. R. Co. (Pa.), vol. 1, p. 197.

HIGHWAYS—Continued.

- Restoration of highway by railroad company.
Allen v. Buffalo, R. & P. Ry. Co. (N. Y.), vol. 9, p. 265.
- Right in highway.
Laufer v. Bridgeport Traction Co. (Conn.), vol. 7, p. 788.
- Right of individual to recover damages for obstruction by railway.
Knowles v. Pennsylvania R. Co. (Pa.), vol. 6, p. 781.
- Right of rival street railway company in public highway.
West Jersey Traction Co. v. Camden Horse R. Co. (N. J.), vol. 1, p. 133.
- Right to diverge from highway.
Rahn Tp. v. Tamaqua & L. St. R. Co. (Pa. St.), vol. 1, p. 198.
- Right to use railroad track in highway.
Baltimore & O. R. Co. v. Anderson (C. C. A.), vol. 10, p. 497.
- Street railways on country roads.
Pennsylvania Railroad Co. v. Montgomery County Passenger Railway Co. (Pa.), vol. 1, p. 190.
- Under a law which authorizes a railroad company to construct its road along and over any public or private way, if it shall "be necessary" a practical and not an absolute necessity is intended; and the burden of proof would be upon the company to show this practical necessity, if questioned when originally locating the lines.
Village of Wayzata v. Great Northern Ry. Co. (Minn.), vol. 7, p. 360.

HOGS.

See Fences.

HORSES.

See Contributory Negligence. Frightening Horses.

Definition.

Richardson v. Chicago & A. Ry. Co. (Mo.), vol. 13, p. 170.

HOTELS.

See Eminent Domain.

Maintenance of, not a railroad purpose, as a matter of law.
Abraham v. Oregon & C. R. Co. (Ore.), vol. 17, p. 250.

HUSBAND AND WIFE.

See Damages.
Imputable Negligence.
Married Women.
Parties.

Action by husband for loss of wife's services.

Redfield *v.* Oakland Consolidated Street R. Co. (Cal.), vol. 3, p. 432.

Contributory negligence of husband in action for injury to wife.

Missouri, K. & T. R. Co. *v.* Jamison (Tex. Civ. App.), vol. 3, p. 442.

Liability to husband for injury to wife.

Omaha & R. V. R. Co. *v.* Chollette (Neb.), vol. 2, p. 381.

Whether recovery by personal representatives of a wife for her wrongful death bars an action by the husband.

Louisville & N. R. Co. *v.* McElwain (Ky.), vol. 3, p. 309.

Witnesses.

Jones *v.* Texas & P. R. Co. (La. Ann.), vol. 2, p. 382.

HYPOTHETICAL QUESTIONS.

See Evidence.
Expert Evidence.

ILLEGAL ARREST.

See Arrest.
Carriers of Passengers.

Carrier not liable for arrest made by employee acting outside scope of employment.

Penny *v.* New York Cent. & H. R. R. Co. (N. Y.), vol. 12, p. 180.

Passenger illegally arrested for riding beyond destination not entitled to punitive damages.

Cone *v.* Central R. Co. (N. J.), vol. 12, p. 278.

ILLEGAL CONTRACTS.

See Interstate Commerce.

ILLNESS.

See Damages.
Sickness.

IMPEACHMENT.

See Witnesses.

IMPROVEMENTS.

See Right of Way.
Street Railways.

Fixtures.

St. Louis, K. & S. W. R. Co. *v.* Nyce (Kan.), vol. 16, p. 798.

IMPUTABLE NEGLIGENCE.

See Children.
Negligence.

Consolidated Traction Co. *v.* Hone (N. J.), vol. 5, p. 679.

Fox *v.* Oakland Consol. St. Ry. Co. (Cal.), vol. 9, p. 825.

Children.

Dan *v.* Citizens' St. R. Co. (Tenn.), vol. 10, p. 880.

Crossings.

Clark *v.* Wright (C. C. A.), vol. 8, p. 432.

Pyle *v.* Clark (C. C. A.), vol. 8, p. 432.

Driver's negligence imputable to passenger.

Bush *v.* Union Pac. R. Co. (Kan.), vol. 20, p. 798.

Guest not liable for driver's negligence.

Pyle *v.* Clark (Utah), vol. 5, p. 156.

Husband and wife.

Missouri, K. & T. R. Co. *v.* Jamison (Tex. Civ. App.), vol. 3, p. 442.

Imputable negligence of hackmen.

Bradley *v.* Ohio River & C. Ry. Co. (N. Car.), vol. 18, p. 340.

Imputed negligence of parents.

Bias *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 13, p. 616.

Ploof *v.* Burlington Traction Co. (Vt.), vol. 13, p. 702.

Negligence of servant driving carriage over crossing not imputable to his employer.

Faust *v.* Philadelphia & R. Ry. Co. (Pa.), vol. 15, p. 146.

Of driver of wagon.

Missouri, K. & T. Ry. Co. of Texas *v.* Rogers (Tex.), vol. 8, p. 141.

Pleading.

Evans *v.* Lake Erie & W. R. Co. (Ind.), vol. 10, p. 837.

Questions of law and fact.

Holmark *v.* Consolidated Traction Co. (N. J.), vol. 9, p. 380.

INCOME.

See Taxation.

INFANTS.

See Children.

INDEMNITY.

See Insurance.
Receivers.

Effect of judgment against indemnities on indemnitors.
Schaefer v. Fond du Lac
(Wis.), vol. 11, p. 342.

INJUNCTIONS.

See Abutters.
Crossings.
Eminent Domain.
Railroads in Streets.
Street Railways.
Taxation.

INDEPENDENT CONTRACTORS.

See Contractors.
Crossings.
Railroads.

Liability for negligence where railroad company was controlling the work.

Louisville & N. R. Co. v. Tow (Ky.), vol. 21, p. 441.

Liability for negligence where railroad company was controlling the work done by independent contractors.

Louisville & N. R. Co. v. Tow (Ky.), vol. 21, p. 441.

Liability of master for acts of contractor.

Leavitt v. Bangor & A. R. Co. (Me.), vol. 7, p. 354.

Norfolk & W. Ry. Co. v. Stevens (Va.), vol. 16, p. 468.

Liability of railroad for injury to employee of bridge company constructing railroad bridge.

Hasie v. Alabama & V. Ry. Co. (Miss.), vol. 20, p. 551.

Who are.

Louisville & N. R. Co. v. Tow (Ky.), vol. 21, p. 441.

INDICTMENTS.

See Carriers of Freight.
Carriers of Goods.

Form of, under separate coach statute.

Chesapeake & O. R. Co. v. Commonwealth (Ky.), vol. 14, p. 508.

Liability to indictment for charging more for short than long haul, under Ky. Const., sec. 218, and Ky. Statute, sec. 820.

Illinois Cent. R. Co. v. Commonwealth (Ky.), vol. 22, p. 356.

INDIGENCY.

See Accidents on Track.
Damages.

Abutters.

Against elevated railroads.
Potts v. Quaker City Elevated Railroad Co. (Pa.), vol. 1, p. 401.

Right of abutting owners to enjoin construction of railroads in streets.

Mobile & M. Ry. Co. v. Alabama M. Ry. Co. (Ala.), vol. 10, p. 128.

Right of abutting owners to enjoin location of a street railway within the limits of a public way.

Taylor v. Portsmouth K. & Y. St. Ry. (Me.), vol. 10, p. 215.

Right of abutting owners to enjoin the operation of a steam railroad in city streets.

Bond v. Pennsylvania Co. (Ill.), vol. 10, p. 118.

Use of streets for car tracks.
Illinois Cent. R. Co. v. Thomas (Miss.), vol. 10, p. 846.

Abutting owner enjoining use of street.

Pennsylvania Co. v. City of Chicago (Ill.), vol. 15, p. 618.

Conflicting rights of rival companies.

Tamaqua & L. St. R. Co. v. Inter-County St. R. Co. (Pa. St.), vol. 1, p. 198.

Elevated Railroads.

Absence of actual damages.
Doane v. Lake St. El. R. Co. (Ill.), vol. 7, p. 782.
O'Reilly v. New York El. R. Co. (N. Y.), vol. 3, p. 432.

Eminent domain.

Willamette Iron Works v. Oregon Railway & Navigation Co. (Ore.), vol. 1, p. 36.

INJUNCTIONS—*Continued.*

- Extension of street over railroad yards.
 Cincinnati, Wabash & Michigan R. Co. *v.* City of Anderson (Ind.), vol. 3, p. 194.
- Federal jurisdiction to grant, to prevent state railroad commission from regulating war revenue tax.
 Dinsmore *v.* Southern Exp. Co. (C. C. Ga.), vol. 13, p. 314.
- Injunction to prevent railway company from granting special privileges to local carriers of baggage.
 Kates *v.* Atlanta B. & C. Co. (Ga.), vol. 16, p. 140.
- Injunction to prevent reopening of decision of commissioners.
 Union Terminal Railroad Co. *v.* Board of Commissioners (Kan.), vol. 3, p. 72.
- Injunction to protect company crossing tracks of another company.
 National Docks & N. J. J. C. R. Co. *v.* Pennsylvania R. Co. (N. J.), vol. 3, p. 170.
- Intersecting trolley lines.
 Highland Ave. & B. R. Co. *v.* Birmingham Railway & Electric Co. (Ala.), vol. 9, p. 502.
- Philadelphia, W. & B. R. Co. *v.* Wilmington City Ry. Co. (Del.), vol. 9, p. 493.
- Is not wholly a writ of right, even to enforce a strictly legal right.
 Atchison, T. & S. F. Ry. Co. *v.* Meyer (Kan.), vol. 21, p. 764.
- Laches.
 McHugh *v.* Louisville Bridge Co. (Ky.), vol. 23, p. 946.
- Laying additional tracks.
 Varwig *v.* Cleveland, C., C. & St. L. R. Co. (Ohio), vol. 4, p. 265.
- Mandatory injunction to allow shipper to select connecting carrier.
 Post *v.* Southern Ry. Co. (Tenn.), vol. 16, p. 201.
- Municipal aid.
 Neale *v.* County Court of Wood County (W. Va.), vol. 7, p. 252.

INJUNCTIONS—*Continued.*

- Power of rival street railway to enjoin illegal construction.
 New England R. Co. *v.* Central Railway & Electric Co. (Conn.), vol. 8, p. 261.
- Power of rival street railway to enjoin ultra vires act.
 New England R. Co. *v.* Central Railway & Electric Co. (Conn.), vol. 8, p. 261.
- Preventing taking of land condemned before payment of compensation.
 Stoltz *v.* Milwaukee & L. W. R. Co. (Wis.), vol. 15, p. 820.
- Railroads in streets.
 Lockwood *v.* Wabash Railroad Co. (Mo.), vol. 1, p. 16.
- Right of company to restrain establishment of harbor lines.
 Prosser *v.* Northern Pac. R. Co. (U. S.), vol. 1, p. 717.
- Right of railway to enjoin establishment by municipality of hack stand on street in front of depot.
 Pennsylvania Co. *v.* City of Chicago (Ill.), vol. 15, p. 618.
- Right to damages for injury to property, under prayer for general relief.
 McHugh *v.* Louisville Bridge Co. (Ky.), vol. 23, p. 946.
- Right to enjoin occupation of land recovered by railroad in ejectment, until payment of value of improvements.
 Poland R. Co. *v.* Chaffee (Vt.), vol. 21, p. 513.
- Right to enjoin prosecution under California statute granting stop-over privileges, to prevent multiplicity of suits.
 Southern Pac. Co. *v.* Robinson (Cal.), vol. 21, p. 160.
- Right to enjoin use of tracks by another company.
 Alabama M. R. Co. *v.* Southern Ry. Co. (Ala.), vol. 10, p. 112.
- Right to mandatory injunction to compel railroad company to furnish cars.
 Louisville, etc., R. Co. *v.* Pittsburg, etc., Coal Co. (Ky.), vol. 23, p. 332.

INJUNCTIONS—Continued.

Right to mandatory injunction to compel railroad to stand cars to be loaded in street in front of shipper's property.

Louisville, etc., R. Co. v. Pittsburg, etc., Coal Co. (Ky.), vol. 23, p. 332.

Scope of decree in action to enjoin ejection from right of way.

Hendrix v. Southern Ry. Co. (Ala.), vol. 23, p. 272.

Setting out complainant's title in bill to restrain road from laying tracks on his land.

Lewis v. Pennsylvania R. Co. (N. J.), vol. 3, p. 413.

Street railways, unauthorized construction.

Canastota Knife Co. v. Newington Tramway Co. (Conn.), vol. 7, p. 787.

Sufficiency of bill to restrain operation of road and to remove obstructions.

Westheffer v. Lebanon & A. St. R. Co. (Pa. St.), vol. 1, p. 170.

Sufficiency of petition for injunction to compel removal of trolley pole.

Snyder v. Ft. Madison St. Ry. Co. (Iowa), vol. 11, p. 53.

Tearing up street railway tracks.

Des Moines City Railway Company v. City of Des Moines (Iowa), vol. 1, p. 215.

To restrain construction of street railway.

Niemann v. Detroit Suburban Street Railway Co. (Mich.), vol. 1, p. 172.

United States courts, enjoining state officers from enforcing certain rates for transportation.

Smyth, Attorney General, v. Higginson (U. S.), vol. 10, p. 1.

Unlawful construction.

Lehigh Coal & N. Co. v. Inter-County St. R. Co. (Pa.), vol. 1, p. 197.

INJURIES.

See Personal Injuries.

INJURIES TO PROPERTY.

See Damages.

INJURIES TO STOCK.

See Stock, Injuries to.

INSANITY.

Injury to passenger by insane person.

St. Louis, etc., R. Co. v. Greenthal (C. C. A.), vol. 6, p. 261.

INSOLVENCY.

See Corporations.

Preferential Claims.

Railroads.

Receivers.

Reorganization.

Evidence of insolvency.

Jeffris v. Fitchburg R. Co. (Wis.), vol. 4, p. 608.

Filing of claim against insolvent.

Southern R. Co. v. Carnegie Steel Co., Limited (C. C. A.), vol. 6, p. 420.

Preference of creditors.

Johnson v. Miller (Pa.), vol. 3, p. 657.

Preferential claims, franchise tax levied during receivership.

Chesapeake & O. Ry. Co. v. Atlantic Transp. Co. (N. J.), vol. 21, p. 709.

Preferred claims, operating expenses.

Savannah, F. & W. Ry. Co. v. Jacksonville, T. & K. W. Ry. Co. (C. C. A.), vol. 9, p. 582.

Priority of supply debts.

Southern R. Co. v. Carnegie Steel Co., Limited (C. C. A.), vol. 6, p. 420.

Right of supply creditor where there has been a diversion of assets.

Southern R. Co. v. Carnegie Steel Co., Limited (C. C. A.), vol. 6, p. 420.

INSPECTION.

See Carriers of Passengers.

Foreign Cars.

Master and Servant.

Duty of master to inspect foreign cars.

Louisville & N. R. Co. v. Veach (Ky.), vol. 11, p. 24.

Foreign cars.

Alabama, G. S. R. Co. v. Carroll (C. C. A.), vol. 9, p. 759.

INSPECTION—Continued.

- Inspection of cars.
- Ill. Cent. R. Co. *v.* Hilliard (Ky.), vol. 5, p. 539.
- Inspection of tracks.
- Cox *v.* Chicago & N. W. Ry. Co. (Iowa), vol. 9, p. 604.
- Liability of company for failure to discover defect in foreign car.
- Jones *v.* New York, N. H. & H. R. Co. (R. I.), vol. 11, p. 414.

INSTRUCTIONS.

See Burden of Proof.

Children.

Contributory Negligence.

Crossings.

Damages.

Direction of Verdict.

Evidence.

Master and Servant.

Negligence.

Absence of request to charge.

Southern Ry. Co. *v.* Loughridge (Ga.), vol. 23, p. 387.

Abstract propositions.

Claiborne *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 14, p. 217.

Admissions of counsel.

Central of Ga. Ry. Co. *v.* Johnston (Ga.), vol. 12, p. 286.

A party cannot complain of error in instruction if there is like error in instruction given at his request.

Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.

Assignments of error in giving.

Pennsylvania Co. *v.* Ebaugh (Ind.), vol. 14, p. 701.

As to contributory negligence of person on track not contradictory.

McCall *v.* Southern Ry. Co. (N. Car.), vol. 23, p. 760.

Authorizing verdict on grounds other than those alleged.

Chicago, K. & W. R. Co. *v.* Bell (Kan.), vol. 2, p. 384.

Burden of proof.

Gulf, C. & S. F. Ry. Co. *v.* Johnson (Tex.), vol. 14, p. 82.

Louisville & N. R. Co. *v.* Gidley (Ala.), vol. 13, p. 214.

INSTRUCTIONS—Continued.

Burden of proving negligence.

Hale *v.* New York & N. E. R. Co. (Mass.), vol. 16, p. 535.

Carriers of goods.

Hinton *v.* Eastern Ry. Co. of Minnesota (Minn.), vol. 11, p. 125.

Carriers of Goods.

Submission of issues in action for loss of freight.

Gwyn Harper Mfg. Co. *v.* Carolina Cent. R. Co. (N. Car.), vol. 21, p. 429.

Carriers of Passengers.

Care due by carrier of passengers.

Sanders *v.* Southern Ry. Co. (Ga.), vol. 14, p. 281.

Damages in action for carrying passengers beyond station.

Southern Ry. Co. *v.* Bryant (Ga.), vol. 12, p. 159.

Duty of passenger for flag station whose ticket has not been taken to notify conductor.

Central of Georgia Ry. Co. *v.* Dorsey (Ga.), vol. 14, p. 212.

Effect of attempting to leave car at rest.

North Chicago St. R. Co. *v.* Eldridge (Ill.), vol. 2, p. 385.

Negligence in starting train.

Johnson *v.* Southern Ry. Co. (S. Car.), vol. 12, p. 273.

Substitution of baggage car for passenger car.

Baltimore & Potomac R. Co. *v.* Swann (Md.), vol. 2, p. 187.

Whether warranted by pleading and proof in action for injury to passenger in alighting from moving car.

Payne *v.* Nashville, etc., Ry. Co. (Tenn.), vol. 22, p. 677.

Charge as to prejudice against railroads.

Cornell *v.* Manistee & N. E. R. Co. (Mich.), vol. 11, p. 263.

Charge on facts.

Jones *v.* Charleston, etc., Ry. Co. (S. Car.), vol. 23, p. 261.

INSTRUCTIONS—Continued.

Charge on facts properly refused.

Cooper *v.* Georgia, etc., Ry. Co. (S. Car.), vol. 22, p. 667.

Charge upon specific questions.

Schaidler *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 15, p. 105.

Children.

In actions for injuries to children.

Gulf, C. & S. F. Ry. Co. *v.* Johnson (Tex.), vol. 11, p. 291.

Consistency.

St. Louis, etc., Ry. Co. *v.* Tomlinson (Ark.), vol. 22, p. 682.

Schmidt *v.* St. Louis R. Co. (Mo.), vol. 22, p. 711.

Construction of general oral charge.

Southern Ry. Co. *v.* Lynn (Ala.), vol. 21, p. 570.

Contradictory and conflicting instructions.

Ford *v.* Chicago, R. I. & P. R. Co. (Iowa), vol. 11, p. 489.

Contradictory instructions.

Lemasters *v.* Southern Pac. Co. (Cal.), vol. 20, p. 296.

Contributory Negligence.

Illinois Cent. R. Co. *v.* Griffin (Ill.), vol. 17, p. 767.

Louisville, etc., R. Co. *v.* Bowlds (Ky.), vol. 23, p. 553.

Mobile & O. R. Co. *v.* Wilson (C. C. A.), vol. 6, p. 97.

Care required to be exercised in order to escape imputation of contributory negligence.

Omaha St. Ry. Co. *v.* Emminger (Neb.), vol. 12, p. 188.

Erroneous instruction as to contributory negligence, in action for injury on track.

Hasie *v.* Alabama & V. Ry. Co. (Miss.), vol. 20, p. 551.

Error to refuse to instruct as to certain alleged contributory negligence which has been pleaded and as to which evidence has been introduced, and which, if

INSTRUCTIONS—Continued.

established, is a complete defense to certain alleged negligence on defendant's part.

Louisiana Western Extension Ry. Co. *v.* Carstens (Tex. Civ. App.), vol. 12, p. 781.

Instruction that contributory negligence is based upon, and cannot exist without, negligence on defendant's part.

Union Stock-Yards Co. *v.* Goodwin (Neb.), vol. 12, p. 503.

Covered by other instructions.

Cook *v.* Los Angeles & P. Electric Ry. Co. (Cal.), vol. 23, p. 69.

Elgin, etc., Ry. Co. *v.* Duffy (Ill.), vol. 23, p. 361.

Indianapolis St. Ry. Co. *v.* Robinson (Ind.), vol. 23, p. 628.

Kowalski *v.* Chicago G. W. Ry. Co. (Iowa), vol. 23, p. 32.

Crossings.

Care due infirm person at crossing.

Green *v.* Southern Pac. Co. (Cal.), vol. 13, p. 511.

Care required of person crossing track.

Steele *v.* Northern Pac. Ry. Co. (Wash.), vol. 15, p. 129.

Duty of traveler to look and listen at crossing.

St. Louis & S. F. R. Co. *v.* Crabtree (Ark.), vol. 20, p. 923.

Effect of failure to give signals and warning at crossing.

Schweinfurth *v.* Cleveland, C. & St. L. Ry. Co. (Ohio), vol. 15, p. 73.

Error in instructing as to comparative weight of positive and negative evidence in regard to crossing signals.

Haun *v.* Rio Grande W. Ry. Co. (Utah), vol. 19, p. 370.

Instruction that trainmen should exercise "greater care" at crossing, too indefinite.

Louisville & N. R. Co. *v.* Clark (Ky.), vol. 12, p. 408.

INSTRUCTIONS—*Continued.*

Proximate cause of injury at crossing.

Elgin, etc., Ry. Co. *v.* Duffy (Ill.), vol. 23, p. 361.

Damages.

Assuming facts in defining measure of damages for personal injuries.

Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.

Charge to jury as to use of mortality tables.

Savannah, F. & W. Ry. Co. *v.* Austin (Ga.), vol. 11, p. 539.

Damages in action for death by wrongful act.

Chesapeake & O. Ry. Co. *v.* Dixon (Ky.), vol. 14, p. 827.

Chicago & A. R. Co. *v.* Kelly (Ill.), vol. 17, p. 52.

Elements of recovery in action for personal injuries.

Beath *v.* Rapid Ry. Co. (Mich.), vol. 15, p. 793.

Exemplary damages.

Garrick *v.* Florida Cent. & P. R. Co. (S. Car.), vol. 13, p. 541.

Louisville & N. R. Co. *v.* Ray (Tenn.), vol. 11, p. 174.

Exemplary damages for wrongful ejection.

Lexington & E. Ry. Co. *v.* Lyons (Ky.), vol. 11, p. 212.

Inaccurate instruction as to measure of damages not prejudicial where verdict was not excessive.

Louisville Southern Ry. Co. *v.* Tucker (Ky.), vol. 12, p. 805.

Instruction as to method of determining market value of land in condemnation proceedings.

Snouffer *v.* Chicago & N. W. Ry. Co. (Iowa), vol. 11, p. 571.

Measure of damages.

Atlanta, K. & N. Ry. Co. *v.* Bryant (Ga.), vol. 15, p. 817.

Central of Ga. Ry. Co. *v.* Johnston (Ga.), vol. 12, p. 286.

Malott *v.* Shimer (Ind.), vol. 15, p. 774.

INSTRUCTIONS—*Continued.*

Measure of damages for wrongful death.

Green *v.* Southern Pac. Co. (Cal.), vol. 13, p. 511.

Method of ascertaining damages in action for personal injuries.

Rooney *v.* New York, N. H. & H. R. Co. (Mass.), vol. 14, p. 425.

Permanent disability.

Lake Shore & M. S. Ry. Co. *v.* Conway (Ill.), vol. 11, p. 7.

Death by wrongful act, in action for death at crossing it is proper to refuse instructions requiring that deceased should have exercised all the care and caution.

Louisville & N. R. Co. *v.* Clark (Ky.), vol. 12, p. 407.

Defect cured by other instructions.

Traver *v.* Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.

Defendant is estopped to complain of an instruction given for plaintiff where a similar instruction has been given at his request.

Lake Shore & M. S. Ry. Co. *v.* Conway (Ill.), vol. 11, p. 7.

Definition of gross negligence not properly given when it is not involved in case.

Louisiana Western Extension Ry. Co. *v.* Carstens (Tex. Civ. App.), vol. 12, p. 782.

Discretion of court as to.

St. Louis & S. F. R. Co. *v.* Kilpatrick (Ark.), vol. 17, p. 212.

Duty of court to instruct correctly when instructions not requested are given.

Ford *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 11, p. 489.

Duty to give.

Mitchell *v.* Carolina Cent. R. Co. (N. Car.), vol. 13, p. 201.

Effect of negligence, harmless error.

Anderson *v.* Union Terminal R. Co. (Mo.), vol. 20, p. 834.

INSTRUCTIONS—*Continued.*

Estoppel to complain of instruction.

Illinois Cent. R. Co. *v.* Beebe (Ill.), vol. 11, p. 163.

Evidence.

Erroneous for failing to give all the facts.

Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.

Erroneous instruction as to burden of proof.

Morbey *v.* Chicago & N. W. Ry. Co. (Iowa), vol. 12, p. 687.

Error in not refusing requested instructions based on hypothetical facts.

Sims *v.* Southern Ry. Co. (S. Car.), vol. 20, p. 76.

Error not rendered harmless by evidence on question not submitted to jury.

Merrill *v.* Pacific Transfer Co. (Cal.), vol. 21, p. 143.

Error to give instruction which is not justified by the evidence.

St. Louis, I. M. & St. Ry. Co. *v.* Jordan (Ark.), vol. 13, p. 681.

Giving undue prominence to particular phase of evidence.

Louisville & N. R. Co. *v.* Jones (Ala.), vol. 23, p. 224.

Ignoring material facts.

Price *v.* Chesapeake & O. R. Co. (W. Va.), vol. 14, p. 399.

Instructions contrary to evidence are reversible error.

Penny *v.* New York Cent. & H. R. R. Co. (N. Y.), vol. 12, p. 180.

Instructions misleading as to character of evidence necessary are erroneous.

Weiss *v.* Bethlehem Iron Co. (C. C. A.), vol. 12, p. 305.

Instructions not warranted by evidence.

Smith *v.* St. Louis & S. F. Ry. Co. (Mo.), vol. 14, p. 609.

May be based on evidence insufficient to support verdict.

Southern Ry. Co. *v.* Wilcox (Va.), vol. 22, p. 260.

INSTRUCTIONS—*Continued.*

Not objectionable as comment upon evidence.

Traver *v.* Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.

Refusal to instruct specifically as to evidence to be considered by jury.

Louisville & N. R. Co. *v.* Pittman (Ky.), vol. 23, p. 55.

Refusal to submit charge justified by evidence.

Connelly *v.* Manhattan R. Co. (N. Y.), vol. 2, p. 385.

Singling out circumstances as evidence of negligence.

Norfolk & W. Ry. Co. *v.* Cromer (Va.), vol. 23, p. 720.

Sufficiency of evidence on which to base.

Weller *v.* Chicago, M. & St. P. Ry. Co. (Mo.), vol. 22, p. 61.

Value of testimony.

Pomeroy *v.* Boston & M. R. R. (Mass.), vol. 12, p. 119.

Weight of evidence.

Chicago, etc., Ry. Co. *v.* Hoover (Ind. Ter.), vol. 23, p. 73.

Runyan *v.* Central R. Co. of New Jersey (N. J.), vol. 19, p. 290.

Where instruction requested fails to present distinctly a material fact which may control, it is properly refused.

Weiss *v.* Bethlehem Iron Co. (C. C. A.), vol. 12, p. 305.

Exceptions to.

Florida Cent. & P. R. Co. *v.* Lucas (Ga.), vol. 16, p. 818.

Indiana, I. & I. R. Co. *v.* Bundy (Ind.), vol. 14, p. 660.

Kansas City, Ft. S. & M. R. Co. *v.* Becker (Ark.), vol. 16, p. 348.

Norfolk & W. R. Co. *v.* Marpole (Va.), vol. 16, p. 291.

Norfolk & W. Ry. Co. *v.* Reeves (Va.), vol. 16, p. 166.

Norfolk & W. Ry. Co. *v.* Stevens (Va.), vol. 16, p. 468.

Pool *v.* Southern Pac. Co. (Utah), vol. 16, p. 551.

INSTRUCTIONS—*Continued.*

Failure to except.

Robbins *v.* Brockton St. Ry. Co. (Mass.), vol. 23, p. 483.

Failure to give on issue not raised by pleadings not error. Sanders *v.* Southern Ry. Co. (Ga.), vol. 14, p. 281.

Fires.

Origin of fire.

Liverpool & L. & G. Ins. Co. *v.* Southern Pac. Co. (Cal.), vol. 15, p. 530.

Where the fact that engine causing a fire passed along defendant's road is undisputed, no error is committed in assuming such to be the case in instructing the jury.

Chicago & A. R. Co. *v.* Glenny (Ill.), vol. 12, p. 839.

Harmless error in action for killing live stock.

Southern Ry. Co. *v.* Hall (Tenn.), vol. 23, p. 276.

Instructions as to questions not raised by pleadings.

Trezona *v.* Chicago G. W. Ry. Co. (Iowa), vol. 12, p. 104.

Instruction authorizing recovery under either count of declaration.

Chicago & A. R. Co. *v.* Glenny (Ill.), vol. 12, p. 839.

Instructions not warranted by pleadings.

Fitzgibbon *v.* Chicago & N. W. Ry. Co. (Iowa), vol. 14, p. 270.

Instructions presenting leading points of but one side are erroneous.

Weiss *v.* Bethlehem Iron Co. (C. C. A.), vol. 12, p. 305.

Invasion of province of jury.

Chicago & A. R. Co. *v.* Nelson (Ill.), vol. 2, p. 385.

Irrelevant instructions.

Baltimore & O. S. W. Ry. Co. *v.* Tripp (Ill.), vol. 14, p. 119.

Master and Servant.

Abrogation of rules.

Konold *v.* Rio Grande W. Ry. Co. (Utah), vol. 17, p. 450.

An instruction that servant using appliances with knowledge of defects, assumes risk therefrom not

INSTRUCTIONS—*Continued.*

inconsistent with one that it is master's duty to see that safe and suitable appliances are furnished.

Bussey *v.* Charleston & W. C. Ry. Co. (S. Car.), vol. 11, p. 474.

Assumption of risk from defective machinery.

Youngblood *v.* South Carolina & G. R. Co. (S. Car.), vol. 20, p. 622.

Assumption of risk must not be ignored in charging jury where there is evidence tending to establish it, and error in so doing is not cured by another paragraph in regard thereto.

Quinn *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 12, p. 512.

As to effect of violation of rule by servant not rendered erroneous by omission of comma after word "not."

Jarvis *v.* Flint & P. M. R. Co. (Mich.), vol. 22, p. 312.

Care required in inspecting yard.

Chicago & N. W. R. Co. *v.* Delaney (Ill.), vol. 13, p. 859.

Contributory negligence of engineer.

Louisville & N. R. Co. *v.* Hiltner (Ky.), vol. 20, p. 279.

Duty of company as to ballasting tracks.

Lake Erie & W. R. Co. *v.* Morrissey (Ill.), vol. 12, p. 624.

Duty of master to furnish safe place to work.

Rush *v.* Spokane Falls & N. Ry. Co. (Wash.), vol. 20, p. 285.

Duty to protect employee from his own intemperance.

Parker *v.* Winona & St. P. R. Co. (Minn.), vol. 21, p. 594.

Erroneous charge as to lack of corroboration of testimony not cured by doubtful instruction.

Weiss *v.* Bethlehem Iron Co. (C. C. A.), vol. 12, p. 305.

INSTRUCTIONS—*Continued.*

In action by an employee to recover for personal injuries, an instruction as to latent defects is reversible error where it was decided on appeal that the defects complained of were patent. *Fordyce v. Edwards* (Ark.), vol. 11, p. 521.

In action by servant to recover for personal injuries caused by obstruction on track, refusal to instruct that servant assumed the risk of such accident, not error. *Galveston, H. & H. R. Co. v. Bohan* (Tex.), vol. 12, p. 492.

In action for death of employee, risks assumed need not be specified.

Augusta Southern R. Co. v. McDade (Ga.), vol. 12, p. 548.

Instructions in action for death of employee that recovery may be had if death resulted from defective appliance should have presented defenses of contributory negligence and waiver.

Ford v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 11, p. 489.

Instruction that plaintiff assumed "natural" risks of employment not misleading where correct instruction as to risks assumed has previously been given.

Galveston, H. & H. R. Co. v. Bohan (Tex.), vol. 12, p. 492.

Irrelevant instruction as to duty of master to instruct servant given charge of explosives.

Rush v. Spokane Falls & N. Ry. Co. (Wash.), vol. 20, p. 285.

Right of recovery for death of minor servant.

Middle Georgia & A. Ry. Co. v. Barnett (Ga.), vol. 12, p. 532.

Scope of employment.

Morbey v. Chicago & N. W. Ry. Co. (Iowa), vol. 12, p. 688.

Sufficiency of general instruction as to liability of master for furnishing un-

INSTRUCTIONS—*Continued.*

safe appliance where no specific instruction is asked.

Bussey v. Charleston & W. C. Ry. Co. (S. Car.), vol. 11, p. 474.

Mere abstraction.

Louisville R. Co. v. Park (Ky.), vol. 2, p. 385.

Mere length of instruction will not warrant reversal.

Weller v. Chicago, M. & St. P. Ry. Co. (Mo.), vol. 22, p. 61.

Need not be a writing in federal court.

Mexican Cent. Ry. Co., Limited, v. Glover (C. C. A.), vol. 21, p. 272.

Need not set out all the evidence.

Schmidt v. St. Louis R. Co. (Mo.), vol. 22, p. 711.

Negligence.

Bowen v. Southern Ry. Co. (S. Car.), vol. 18, p. 331.

Bradley v. Ohio River & C. Ry. Co. (N. Car.), vol. 18, p. 340.

Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.

Milam v. Southern Ry. Co. (S. Car.), vol. 18, p. 253.

Erroneous charge as to negligence authorizing recovery.

Chicago & A. R. Co. v. Nelson (Ill.), vol. 2, p. 385.

Erroneous definition of negligence.

Western & A. R. Co. v. Vaughan (Ga.), vol. 21, p. 512.

Failure to fully charge as to negligent conduct.

Chicago, K. & W. R. Co. v. Bell (Kan.), vol. 2, p. 385.

Instruction as to presumption of negligence under Georgia statute.

Augusta Southern R. Co. v. McDade (Ga.), vol. 12, p. 549.

Instructions confined to negligence alleged.

Moss v. North Carolina R. Co. (N. Car.), vol. 12, p. 19.

INSTRUCTIONS—*Continued.*

Instruction that company is liable if its servants "failed to do any thing that they were required to do" is error.

Louisville & N. R. Co. v. Clark (Ky.), vol. 12, p. 407.

It is not reversible error for the court after reciting the nature of the action, the issues, etc., to refer the jury to the petition for a fuller statement of the elements of the negligence complained of.

Union Pac. Ry. Co. v. Sternberger (Kan.), vol. 12, p. 746.

Negligence and contributory negligence.

Steele v. Northern Pac. Ry. Co. (Wash.), vol. 15, p. 129.

Negligence and contributory negligence, not warranted by evidence.

Norfolk & W. Ry. Co. v. Cromer (Va.), vol. 23, p. 720.

New trial because of conflicting instructions.

Edwards v. Atlantic Coast Line R. Co. (N. Car.), vol. 23, p. 38.

New trial because of erroneous instructions.

Daniels v. Florida Cent. & P. R. Co. (S. Car.), vol. 23, p. 107.

Not given in form requested.

Wheeler v. Grand Trunk Ry. Co. (N. H.), vol. 23, p. 84.

Objections.

Mickelson v. New East Tintic Ry. Co. (Utah), vol. 20, p. 855.

Rush v. Spokane Falls & N. Ry. Co. (Wash.), vol. 20, p. 285.

Peremptory instruction may be given without depriving plaintiff of constitutional right of trial by jury.

Morris v. Louisville & N. R. Co. (Ky.), vol. 20, p. 368.

Presentation of issues.

Blackmore v. Mo. Pac. Ry. Co. (Mo.), vol. 21, p. 360.

Presumption as to timeliness of giving.

Indiana, I. & I. R. Co. v. Bundy (Ind.), vol. 14, p. 660.

INSTRUCTIONS—*Continued.*

Presumption that jury considered them as a whole.

Galesburg & G. E. R. Co. v. Milroy (Ill.), vol. 19, p. 277.

Province of court.

Bussey v. Charleston & W. C. Ry. Co. (S. Car.), vol. 11, p. 474.

Liverpool & L. & G. Ins. Co. v. Southern Pac. Co. (Cal.), vol. 15, p. 530.

Province of court to modify.

Cook v. Los Angeles & P. Electric Ry. Co. (Cal.), vol. 23, p. 69.

Proximate cause.

Baxter v. Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 476.

Louisville & N. R. Co. v. Brown (Ala.), vol. 14, p. 794.

Robertson v. Wabash R. Co. (Mo.), vol. 16, p. 16.

Railroads in streets, failure to instruct as to care to be exercised by railroad company in street.

McIlhane v. Southern R. Co. (N. Car.), vol. 11, p. 100.

Reciting or referring to pleadings in.

Graybill v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 20, p. 178.

Repetition.

Chicago, R. I. & P. Ry. Co. v. Sturey (Neb.), vol. 13, p. 849.

Nashville St. R. R. v. O'Bryan (Tenn.), vol. 22, p. 902.

Requested instructions covered by instructions given.

Illinois Cent. R. Co. v. Kuhn (Tenn.), vol. 22, p. 324.

Jarvis v. Flint & P. M. R. Co. (Mich.), vol. 22, p. 312.

Kansas City, etc., Ry. Co. v. McElroy (Mo.), vol. 22, p. 398.

Review of.

Central of Georgia Ry. Co. v. Bond (Ga.), vol. 17, p. 757.

McGraw v. Chicago, R. I. & P. Ry. Co. (Neb.), vol. 18, p. 764.

Special instructions.

Texas & P. Ry. Co. v. Wilder (C. C. A.), vol. 13, p. 520.

INSTRUCTIONS—Continued.

Special instruction as to question covered by general instruction.

Baltimore & O. R. Co. v. Hellenthal (C. C. A.), vol. 13, p. 774.

Special verdict.

Baxter v. Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 476.

Stock, liability for injury to stock by special train.

Graybill v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 20, p. 178.

Stock, speed in excess of ordinance as affecting liability.

Southern Ry. Co. v. Wood (Ky.), vol. 15, p. 570.

Submission of theory of case.

Lion v. Baltimore City Pass. Ry. Co. (Md.), vol. 23, p. 538.

Sufficiency of assignment of error as to instructions.

Atlantic Cons. St. R. Co. v. Beauchamp (Ga.), vol. 1, p. 279.

San Antonio R. Co. v. Mechler (Tex.), vol. 1, p. 279.

Tending to confuse.

Trott v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 391.

Theory of case.

Rhoades v. Chesapeake & O. Ry. Co. (W. Va.), vol. 22, p. 283.

Tickets and fares, sufficient compliance with condition of excursion ticket requiring identification of holder.

Central of Georgia Ry. Co. v. Cannon (Ga.), vol. 14, p. 405.

Trespassers.

Duty to trespasser on track.
Texas & P. Ry. Co. v. Harby (C. C. A.), vol. 15, p. 737.

Weight of evidence.

Atlanta, K. & N. Ry. Co. v. Durham (Ga.), vol. 16, p. 606.

INSULTS.

See Carriers of Passengers.

INSURANCE.

See Carriers of Freight.

Damages.

Death by Wrongful Act.

Fires.

Relief Associations.

INSURANCE—Continued.

Effect of inability to procure insurance where statute makes company an insurer.

Dean v. Charleston & W. C. Ry. Co. (S. Car.), vol. 15, p. 555.

Indemnity to street railway company on account of injury resulting from accident.

Phillipsburg Horse Car Co. v. Fidelity & Casualty Co. (Pa.), vol. 2, p. 415.

Insurer's right to recover.

Omaha & R. V. Ry. Co. v. Granite State Fire Ins. Co. (Neb.), vol. 14, p. 140.

Life insurance mitigating damages for wrongful death.

Clune v. Ristine (C. C. A.), vol. 15, p. 761.

Subrogation of foreign insurance company.

Lumberman's Mut. Ins. Co. v. Kansas City, Ft. S. & M. R. Co. (Mo.), vol. 14, p. 127.

INTENTIONAL WRONG.

See Master and Servant.

INTEREST.

See Bonds.

Damages.

Eminent Domain.

Coupons.

Town Council of Lexington v. Union Nat. Bank (Miss.), vol. 9, p. 321.

Damages.

Blair v. Sioux City & P. Ry. Co. (Iowa), vol. 10, p. 306.
St. Louis, O. H. & C. Ry. Co. v. Fowler (Mo.), vol. 10, p. 405.

Interest on investment must be included in valuation of road by railroad commission for purpose of fixing railroad rates.

Metropolitan Trust Co. v. Houston & T. C. R. Co. (Tex.), vol. 13, p. 149.

On amount of judgment against railroad for taxation.

Cumberland & P. R. Co. v. State (Md.), vol. 20, p. 754.

INTERPRETERS.

See Evidence.

Competency of.

Missouri, K. & T. Ry. Co. v. Bagley (Kan.), vol. 13, p. 259.

INTERROGATORIES.

See Railroads.

Assuming negligence.

Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.

Calling for evidentiary facts.

Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.

Discretion of court to refuse.

Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.

Party not entitled to answers to interrogatories as to what particular possible witnesses would testify.

Robbins v. Brockton St. Ry. Co. (Mass.), vol. 23, p. 483.

President refusing to answer in action against his company for personal injuries.

Gunn v. New York, N. H. & H. R. Co. (Mass.), vol. 14, p. 830.

Scope of interrogatory as to whether the act of plaintiff in placing himself on foot-board of the engine contributed to his injury.

Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.

Submitting special interrogatories.

Chicago & A. R. Co. v. Winters (Ill.), vol. 12, p. 93.

Use of words "for the plaintiff."

Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.

INTERSECTING RAILROADS.

See Collisions.

Connecting Carriers.

Injunctions.

INTERSTATE COMMERCE.

See Foreign Corporations.

Rates.

Taxation.

Tickets and Fares.

Appeal from decree enforcing order of interstate commerce commission.

Louisville & N. R. Co. v. Behlmer (U. S.), vol. 10, p. 778.

Authority of interstate commerce commission to institute

INTERSTATE COMMERCE—Continued.

proceedings to enforce its orders.

Cincinnati, N. O. & T. P. R. Co. v. Interstate Commerce Commission (U. S.), vol. 4, p. 223.

Carriers of live stock, diseased cattle.

Davis v. Texas & P. R. Co. (Tex. Civ. App.), vol. 3, p. 426.

Carriers whose lines are wholly within the state.

Interstate Commerce Commission v. Bellaire, etc., Ry. Co. (U. S.), vol. 7, p. 768.

Commerce as subject of legislation.

Interstate Commerce Commission v. Alabama Midland R. Co. (C. C. A.), vol. 3, p. 638.

Competition.

Behlmer v. Louisville & N. R. Co. (C. C. A.), vol. 9, p. 620.

Detroit, etc., R. Co. v. Interstate Commerce Commission (U. S.), vol. 5, p. 702.

Interstate Commerce Commission v. Alabama Midland R. Co. (C. C. A.), vol. 3, p. 638.

Tex. Pac. Ry. Co. v. Interstate Commerce Commission (U. S.), vol. 5, p. 87.

Actual and potential competition.

Interstate Commerce Commission v. Alabama Midland R. Co. (C. C. A.), vol. 3, p. 638.

Competition affecting.

Interstate Commerce Commission v. Western & A. R. Co. (C. C. A.), vol. 13, p. 298.

Provision prohibiting the consolidation of parallel competing railroads.

Louisville & Nashville R. Co. v. Kentucky (U. S.), vol. 3, p. 525.

Southern railway and steamship association, competition between lines.

Interstate Commerce Commission v. Alabama Midland R. Co. (C. C. A.), vol. 3, p. 638.

- INTERSTATE COMMERCE—**
Continued.
- Water competition.
 - Behlmer *v.* Louisville & N. R. Co. (C. C. A.), vol. 9, p. 620.
 - Connecting carrier a proper, but not necessary, party defendant.
 - Texas Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 86.
 - Constitutionality of city license tax where railroad is engaged in interstate commerce.
 - Alabama, G. S. R. Co. *v.* City of Bessemer (Ala.), vol. 6, p. 410.
 - Constitutionality of statute requiring trains to stop at stations.
 - Lake Shore & M. S. Ry. Co. *v.* State of Ohio, Lawrence (U. S.), vol. 16, p. 26.
 - Construction of interstate commerce law.
 - Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 700.
 - Construction of statutes.
 - Tex. Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 87.
 - Discrimination.**
 - Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, pp. 700, 702.
 - Interstate Commerce Commission *v.* Alabama Midland R. Co. (C. C. A.), vol. 3, p. 638.
 - Interstate Commerce Commission *v.* Western & A. R. Co. (C. C. A.), vol. 13, p. 298.
 - Aggregate charges, construction of interstate commerce law.
 - Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 701.
 - Beneficial to trade.
 - Behlmer *v.* Louisville & N. R. Co. (C. C. A.), vol. 9, p. 620.
 - Circumstances and conditions to be considered by commission.
 - Detroit, etc., R. Co. *v.* Inter-
- INTERSTATE COMMERCE—**
Continued.
- state Commerce Commission (U. S.), vol. 5, p. 701.
 - Interstate Commerce Commission *v.* Alabama Midland R. Co. (C. C. A.), vol. 3, p. 638.
 - Circumstances to be considered by the commission in forming its judgment as to whether a preference is undue or unreasonable.
 - Texas Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 87.
 - Cost of carriage, sufficiency of evidence.
 - Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 700.
 - Custom a "circumstance."
 - Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 700.
 - Difference in population and traffic.
 - Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 701.
 - Discrimination in favor of competitive point on account of competition which compels reduction of rates to those points below the rate charged for shorter distances is not an undue or unjust discrimination prohibited by the act to regulate commerce.
 - E. T., V. & G. Ry. Co. *v.* Interstate Commerce Com. (U. S.), vol. 20, p. 729.
 - Dissimilarity of circumstances and conditions warranting change of rate.
 - Louisville & N. R. Co. *v.* Behlmer (U. S.), vol. 18, p. 167.
 - Equality of charges.
 - Detroit, etc., R. Co. *v.* Interstate Commerce Com. (U. S.), vol. 5, p. 701.
 - Interest of public and carriers in certain traffic to be considered by commission.
 - Texas Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 87.

INTERSTATE COMMERCE—

Continued.

- Local rate as part of through rate.
- Interstate Commerce Commission *v.* Alabama Midland R. Co. (C. C. A.), vol. 3, p. 638.
- Long and short hauls.
- Behlmer *v.* Louisville & N. R. Co. (S. Car.), vol. 3, p. 426.
- Behlmer *v.* Louisville & N. R. Co. (C. C. A.), vol. 9, p. 620.
- Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 701.
- Physical disadvantage of carrier.
- Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 702.
- Place of delivery to be considered.
- Interstate Commerce Commission *v.* Alabama Midland R. Co. (C. C. A.), vol. 3, p. 638.
- Question of fact.
- Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 700.
- Recovery cannot be had for loss of goods under contract providing for unlawful discrimination.
- Church *v.* Minneapolis & St. L. Ry. Co. (S. Dak.), vol. 21, p. 382.
- Right of carrier, in fixing rates, to consider facts not found by commission.
- E. T., V. & G. Ry. Co. *v.* Interstate Commerce Com. (U. S.), vol. 20, p. 729.
- Interstate Commerce Com. *v.* Clyde Steamship Co. (U. S.), vol. 20, p. 751.
- Undue preference a question of fact.
- Texas Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 87.
- Unjust discrimination.
- Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 701.

INTERSTATE COMMERCE—

Continued.

- What constitutes, Interstate Commerce Commission *v.* Alabama Midland R. Co. (C. C. A.), vol. 3, p. 638.
- Enforcement of commerce orders by courts.
- Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 702.
- Enforcement of invalid orders.
- Interstate Commerce Commission *v.* Lehigh Valley R. Co. (Pa.), vol. 5, p. 704.
- Evidence, right to withhold.
- Cincinnati, N. O. & T. P. R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 4, p. 223.
- Evidence that contract was illegal as violation of interstate commerce law is admissible under general issue.
- Southern Ry. Co. *v.* Wilcox (Va.), vol. 22, p. 260.
- Federal control.
- Southern Ry. Co. *v.* Harrison (Ala.), vol. 13, p. 270.
- Foreign corporations.
- Averill *v.* Southern Ry. Co. (U. S.), vol. 5, p. 704.
- Foreign corporations, whether interference with interstate commerce to require foreign railroad corporation to become resident corporation.
- Com. *v.* Mobile & O. R. Co. (Ky.), vol. 23, p. 185.
- Indian Territory, whether act applies.
- Missouri, K. & T. Ry. Co. *v.* Bowles (Ind. Ter.), vol. 8, p. 12.
- Interference with carrier of mail.
- Illinois Central R. Co. *v.* State of Illinois, Butler (U. S.), vol. 4, p. 354.
- Interstate commerce act, continuous line.
- Louisville & N. R. Co. *v.* Behlmer (U. S.), vol. 18, p. 167.
- Interstate commerce commission a body corporate.
- Texas Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 86.

- INTERSTATE COMMERCE—**
Continued.
- Issuance of thousand-mile tickets.
Smith *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 8, p. 496.
- It is a reasonable exercise of the police power of a state and no unconstitutional interference with interstate commerce or with the transportation of the mails of the United States, or the taking of the property of a railway company without due process of law, for a state to require by statute that every regular passenger train running wholly within limits of the state, shall stop at all stations at county seats directly in its course for a sufficient length of time to take on and discharge passengers with safety.
Gladson *v.* State of Minnesota (U. S.), vol. 7, p. 558.
- Jurisdiction of federal courts.
Averill *v.* Southern Ry. Co. (U. S.), vol. 5, p. 704.
- License tax on railroad.
City of Anniston *v.* Southern Ry. Co. (Ala.), vol. 9, p. 36.
- Limiting liability.
Solan *v.* Chicago, M. & St. P. R. Co. (Iowa), vol. 2, p. 167.
- Necessary parties to injunction.
Averill *v.* Southern Ry. Co. (U. S.), vol. 5, p. 704.
- No recovery can be had for breach of illegal contract for interstate shipment.
Southern Ry. Co. *v.* Wilcox (Va.), vol. 22, p. 260.
- Occupation tax on road engaged in.
City of York *v.* Chicago, B. & Q. R. Co. (Neb.), vol. 14, p. 200.
- Order of railroad commissioners requiring terminal company to furnish facilities to railroad engaged in interstate commerce and fixing rates is not regulation of.
State, Lamar, Atty. Gen., *v.* Jacksonville Term. Co. (Fla.), vol. 16, p. 727.
- Orders of the United States
- INTERSTATE COMMERCE—**
Continued.
- commission should promote welfare of all parties.
Interstate Commerce Commission *v.* Alabama Midland R. Co. (C. C. A.), vol. 3, p. 638.
- Passes, authority to issue.
Curry *v.* Kansas, etc., Ry. Co. (Kan.), vol. 8, p. 755.
- Pleading in action for penalties for violation of interstate commerce regulations prohibiting the confinement of stock in cars for longer than twenty-eight consecutive hours.
United States *v.* St. Louis & S. F. R. Co. (Mo.), vol. 22, p. 812.
- Power of court to modify order.
Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 702.
- Power of interstate commerce commission.
Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 702.
Texas Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 86.
- Power to validate illegal contract for interstate shipment.
Southern Ry. Co. *v.* Wilcox (Va.), vol. 22, p. 260.
- Presumption that interstate commerce commission has complied with act.
Atlanta, K. & N. Ry. Co. *v.* Horne (Tenn.), vol. 19, p. 509.
- Prohibiting freight trains from running on Sundays.
Hennington *v.* Georgia (U. S.), vol. 4, p. 488.
- Promotion of commerce the object of the interstate commerce act.
Texas Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 87.
- Proof of rules on file with commission.
Southern Ry. Co. *v.* Wilcox (Va.), vol. 22, p. 260.
- Purpose of interstate commerce act.
Interstate Commerce Commission *v.* Alabama Midland R. Co. (C. C. A.), vol. 3, p. 638.

INTERSTATE COMMERCE— INTERSTATE COMMERCE— *Continued.*

Railroad subject to control of interstate commerce commission cannot limit that control.

Cincinnati, N. O. & T. P. R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 4, p. 223.

Rates.

Determination of reasonableness of rates.

Southern Pac. Co. *v.* Colorado F. & I. Co. (C. C. A.), vol. 18, p. 559.

Effect of one connecting carrier's failure to publish joint rate on validity of contract to carry.

Va. Coal & Iron Co. *v.* Louisville & N. R. Co. (Va.), vol. 21, p. 261.

Evidence of approval of rates by interstate commerce commission.

Mouton *v.* Louisville & N. R. Co. (Ala.), vol. 20, p. 674.

Power of commission to fix rates.

Cincinnati, N. O. & T. P. R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 4, p. 223.

Interstate Commerce Commission *v.* Alabama Midland R. Co. (C. C. A.), vol. 3, p. 638.

Interstate Commerce Commission *v.* Northeastern R. Co. (S. Car.), vol. 4, p. 235.

Interstate Commerce Commission *v.* The Cincinnati, New Orleans, etc., R. Co. (Ohio), vol. 4, p. 673.

Texas Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 87.

Power of federal court to fix rates.

Southern Pac. Co. *v.* Colorado, F. & I. Co. (C. C. A.), vol. 18, p. 559.

Power of interstate commerce commission to fix rates.

Southern Pac. Co. *v.* Colorado F. & I. Co. (C. C. A.), vol. 18, p. 559.

Power of state to regulate rates for shipments between points in same state, but passing through another state.

Kansas City S. Ry. Co. *v.* Board of Railroad Com'rs (Ark.), vol. 21, p. 178.

Power to prescribe maximum rates for transportation of freight.

Interstate Commerce Commission *v.* The Cincinnati, New Orleans, etc., R. Co. (Ohio), vol. 4, p. 673.

Rate war, necessary parties to injunction.

Averill *v.* Southern Ry. Co. (U. S.), vol. 5, p. 704.

Readjustment of rates.

Detroit, etc., R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 702.

Reduced rates.

Texas Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 87.

Reduced valuation as consideration for reduced rate.

Ward *v.* Missouri Pac. Ry. Co. (Mo.), vol. 19, p. 30.

Sufficiency of restraining order.

Southern Pac. Co. *v.* Colorado F. & I. Co. (C. C. A.), vol. 18, p. 559.

Unlawful freight rates, order of commission binding on successor.

Behlmer *v.* Louisville & N. R. Co. (C. C. A.), vol. 9, p. 620.

Validity of agreement for rates less than published rates.

Southern Ry. Co. *v.* Harrison (Ala.), vol. 13, p. 270.

Validity of agreement for reduced rates.

Missouri, K. & T. Ry. Co. *v.* Bowles (Ind. Ter.), vol. 8, p. 12.

Validity of agreement for special rates.

Kizer *v.* Texarkana & Ft. S. Ry. Co. (Ark.), vol. 13, p. 288.

INTERSTATE COMMERCE— INTERSTATE COMMERCE—

Continued.

- Validity of joint rate based on mistake of connecting carrier in quoting its rate.
Va. Coal & Iron Co. *v.* Louisville & N. R. Co. (Va.), vol. 21, p. 261.
- Reviewing acts of commission.
E. T., V. & G. Ry. Co. *v.* Interstate Commerce Com. (U. S.), vol. 20, p. 730.
- Interstate Commerce Com. *v.* Clyde Steamship Co. (U. S.), vol. 20, p. 751.
- Scope of interstate commerce acts.
Texas Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 86.
- State and federal statutes respecting diseased cattle.
Missouri, K. & T. Ry. Co. *v.* Haber (Kan.), vol. 3, p. 471.
- State comity in construction of federal statutes regulating.
Southern Ry. Co. *v.* Harrison (Ala.), vol. 13, p. 270.
- State statute as regulation of.
Missouri, K. & T. Ry. Co. *v.* McCann (U. S.), vol. 16, p. 185.
- State statute forbidding overloading live stock.
Crawford *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 17.
- State statute prohibiting the transportation of infected cattle through state.
Selvege *v.* St. Louis & S. F. R. Co. (Mo.), vol. 4, p. 625.
- State statute providing a penalty for delay in delivery of certain freight in conflict with interstate commerce acts.
St. Louis S. W. R. Co. *v.* Carden (Tex.), vol. 3, p. 448.
- State statute providing for liability of initial carrier for negligence of connecting carrier.
McCann *v.* Eddy (Mo.), vol. 2, p. 633.
- State statute providing for stoppage of trains unconstitutional.
Illinois Central R. Co. *v.* State of Illinois, Butler (U. S.), vol. 4, p. 352.

Continued.

- State statute providing for stopping trains at county seats invalid, mandamus to compel.
Cleveland, C., C. & St. L. Ry. Co. *v.* People, Jett (Ill.), vol. 14, p. 846.
- State statute requiring license for elevator in which grain is stored for interstate shipment is not, therefore, a regulation of interstate commerce.
Cargill Co. *v.* Minnesota (U. S.), vol. 20, p. 658.
- State statute requiring the heating of passenger cars, validity.
New York, N. H. & H. R. Co. *v.* People of the State of New York (U. S.), vol. 8, p. 172.
- State statute requiring train carrying interstate mails to make an unnecessary deviation, validity.
Illinois Central R. Co. *v.* State of Illinois, Butler (U. S.), vol. 4, p. 354.
- Statute requiring passenger trains to stop at county seats a burden upon interstate commerce.
Cleveland, C., C. & St. L. Ry. Co. *v.* People of State of Illinois, Jett (U. S.), vol. 17, p. 227.
- Trans-Missouri Freight Association.
The granting of an injunction against such an association does not give the "Trust Act" a retroactive effect, for, even though such association, which was entered into prior to the passage of the act, may have been legal at the time of its formation, its continuation, after it has been declared to be illegal, is a violation of the act.
United States *v.* Trans-Missouri Freight Association (U. S.), vol. 7, p. 388.
- The memorandum of agreement between railway companies forming a freight association recited that it was entered into "for the purpose of mutual protection by establishing and

INTERSTATE COMMERCE— INTERSTATE COMMERCE—

Continued.

maintaining reasonable rates, rules and regulations for freight traffic, both through and local." To that end the association was formed and a body created which was to adopt rates, which, when agreed to, were to be the governing rates for all the companies, and a violation of which subjected the defaulting company to the payment of a penalty. The parties to such associations had the right to withdraw from the agreement on giving thirty days' notice: *held*, that the direct and necessary effect of such agreement, while in operation, was to put a restraint upon trade or commerce, within the prohibition of the "Trust Act."

United States *v.* Trans-Missouri Freight Association (U. S.), vol. 7, p. 388.

The prohibitions of the act extend to all combinations in restraint of trade or commerce, whether in the form of trusts or in any other form, whatever, and the language of the title of the act, which is "to protect trade and commerce against unlawful restraints and monopolies which were unlawful at common law," but includes those made unlawful in the body of the statute, and also all contracts in restraint of trade, whether such restraint is reasonable or unreasonable.

United States *v.* Trans-Missouri Freight Association (U. S.), vol. 7, p. 388.

The proper medium of interpretation of the meaning of the language of an act of congress is not the debates in that body at the time of the passage of the act, but the language of the act and the history of the times when it passed.

United States *v.* Trans-Missouri Freight Association (U. S.), vol. 7, p. 388.

The public policy of the gov-

Continued.

ernment is to be found in its statutes, and, when they have not directly spoken, then in the decisions of the courts and the constant practice of the government officials; but when the law making power speaks upon a particular subject, over which it has constitutional power to legislate, public policy, in such a case, is what the statute enacts.

United States *v.* Trans-Missouri Freight Association (U. S.), vol. 7, p. 388.

There is nothing in the language of the "Trust Act," in contemporaneous history, in the legal situation at the time of its passage, in its legislative history, or in any general difference in the nature or kind of trading or manufacturing companies from railroad companies to warrant the conclusion that the legislature, in prohibiting the making of contracts in restraint of trade, did not intend to include railroads within the purview of the act.

United States *v.* Trans-Missouri Freight Association (U. S.), vol. 7, p. 388.

The United States are invested by the fourth section of the "Trust Act" with full power and authority to bring an action to dissolve a freight association, which is in restraint of trade commerce, although they have no pecuniary interest in the result of the litigation, or in the question to be decided by the county.

United States *v.* Trans-Missouri Freight Association (U. S.), vol. 7, p. 388.

Undue preference a question of fact.

Texas Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 87.

Violation of interstate commerce law as a defence must be pleaded.

Missouri, K. & T. Ry. Co. *v.* Bagley (Kan.), vol. 13, p. 259.

INTERSTATE COMMERCE— ISSUES.*Continued.**See Trials.*

Visitorial power of state as to interstate business.

State *v.* United States Exp. Co. (Minn.), vol. 19, p. 41.

Welfare of locality to be considered by commission.

Tex. Pac. Ry. Co. *v.* Interstate Commerce Commission (U. S.), vol. 5, p. 87.

What constitutes.

Louisville & N. R. Co. *v.* Vancleave (Ky.), vol. 21, p. 477.

When railroad situated wholly within state is subject to interstate commerce act.

Cincinnati, N. O. & T. P. R. Co. *v.* Interstate Commerce Commission (U. S.), vol. 4, p. 223.

"Wilson Act," construction. State *v.* Intoxicating Liquors (Me.), vol. 20, p. 511.

INTERVENING CAUSES.*See Fires.***INTERVENTION.***See Mortgages. Parties.***INTOXICATING LIQUORS.***See Carriers of Goods.*

Constitutionality of Maine statute prohibiting the bringing of intoxicating liquors into state.

State *v.* Intoxicating Liquors (Me.), vol. 20, p. 511.

INTOXICATION.

See Carriers of Passengers. Contributory Negligence. Drunkenness. Evidence. Trespassers.

INVENTIONS.*See Patents.*

Duty of railroad company to avail itself of new inventions.

Richmond R., etc., Co. *v.* Garthright (Va.), vol. 4, p. 264.

INVOICE COSTS.

What is within meaning of contract of shipment.

Pierce *v.* Southern Pac. Co. (Cal.), vol. 7, p. 564.

JEWELRY.*See Baggage.***JOHNSTOWN FLOOD.***See Floods.***JOINDER.***See Actions.**Death by Wrongful Act. Parties.***JOINT JUDGMENTS.***See Receivers.***JOINT LIABILITY.***See Personal Injuries.*

Action by one company against another to recover damages paid by the former, and alleged to have been caused by negligence of the latter. Sufficiency of petition alleging passenger's right to recover.

Cincinnati, New Orleans, etc., R. Co. *v.* Louisville & Nashville R. Co. (Ky.), vol. 2, p. 409.

JOINT RATES.*See Interstate Commerce.***JOINT TORT FEASORS.***See Carriers of Passengers.*

Injury to passenger through negligence of two companies. West Chicago St. R. Co. *v.* Piper (Ill.), vol. 9, p. 147.

Release.

West Chicago St. R. Co. *v.* Piper (Ill.), vol. 9, p. 147.

JOINT USE OF TRACKS.

Union Pac. Ry. Co. *v.* Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 1.

JOLTING.*See Carriers of Passengers.***JUDGES.**

Disqualification because of relation to stockholders.

Robinson *v.* Southern Pacific Co. (Cal.), vol. 2, p. 44.

Trial judge not disqualified merely because his son is prosecuting suit for a percentage. Allison *v.* Southern Ry. Co. (N. Car.), vol. 23, p. 714.

JUDGMENTS.

*See Eminent Domain.
Evidence.*

Conclusiveness of former judgment against railroad and another party, in action by former against latter.

Boston & M. R. R. v. Sargent (N. H.), vol. 21, p. 335.

Effect of agreement by counsel on judgment sustaining demurrer to both declaration and bill of particulars where judgment includes both.

King v. Norfolk & W. Ry. Co. (Va.), vol. 23, p. 701.

Entry nunc pro tunc.

McTavish v. Great Northern Ry. Co. (N. Dak.), vol. 14, p. 59.

Failure to serve process as defense in action to enforce domestic judgment:

Maysville & B. S. R. Co. v. Ball (Ky.), vol. 20, p. 186.

Form.

McTavish v. Great Northern Ry. Co. (N. Dak.), vol. 14, p. 59.

Joint judgments against two railroads in action for personal injuries.

Little Rock, etc., R. Co. v. Stevenson (Ark.), vol. 5, p. 704.

Judgment in statutory action for personal injuries conclusive in subsequent common-law action between same parties for same injuries.

Clare v. N. Y. & N. E. R. Co. (Mass.), vol. 13, p. 569.

Receivers, payments.

Dillon v. Oregon, etc., Ry. Co. (Ore.), vol. 5, p. 713.

Sufficiency of proceedings to enforce statutory duty to make connections with other roads.

Southern Ry. Co. v. Commonwealth (Va.), vol. 20, p. 360.

What constitutes judgment sustaining or overruling demurrer, upon which error can be based.

Tallassee Falls Mfg. Co. v. Western Ry. of Alabama (Ala.), vol. 20, p. 455.

JUDICIAL NOTICE.

See Evidence.

Richmond Union Pass. Ry. Co. v. Richmond, F. & P. R. Co. (Va.), vol. 15, p. 206.

JUDICIAL NOTICE—Cont'd.

Carriers of live stock, law of foreign state.

Meuer v. Chicago, etc., Ry. Co. (S. Dak.), vol. 2, p. 493.

Clearance cards.

McDonald v. Illinois Cent. R. Co. (Ill.), vol. 20, p. 309.

Customs.

McKibbin v. Great Northern Ry. Co. (Minn.), vol. 16, p. 155.

Eminent domain, deposit of amount of award of commissioner.

Foster v. Chicago, R. I. & T. Ry. Co. (Tex.), vol. 3, p. 2.

Federal statutes.

St. Louis, I. M. & S. Ry. Co. v. Brown (Ark.), vol. 16, p. 440.

Laws of sister state.

Crandall v. Great Northern Ry. Co. (Minn.), vol. 21, p. 388.

Ex parte Northeastern R. Co. (S. Car.), vol. 21, p. 99.

In re Mayo's Estate (S. Car.), vol. 21, p. 99.

Life tables.

Atchison, T. & S. F. Ry. Co. v. Ryan (Kan.), vol. 21, p. 684.

Opening of railroad.

Knowlton v. New York, N. H. & H. R. Co. (Conn.), vol. 16, p. 573.

Statute incorporating city.

Jackson v. Kansas City, etc., R. Co. (Mo.), vol. 19, p. 99.

That unblocked frog could have been seen by deceased brakeman.

Jones v. Flint & P. M. R. Co. (Mich.), vol. 21, p. 904.

JUDICIAL SALES.

See Sales.

JURISDICTION.

See Carriers of Goods.

Conflict of Laws.

Damages.

Equity.

Federal Courts.

National Corporations.

Railroad Commissioners.

United States Courts.

Venue.

Action for injury to employee sustained in another state.

MacCarthy v. Whitcomb (Wis.), vol. 20, p. 860.

JURISDICTION—*Continued.*

- Action to recover excess of freight charges.
Conn v. Louisville & N. R. Co. (Ky.), vol. 15, p. 838.
- Administrator may sue in circuit court of county where deceased resided, in action for wrongful death, although the accident occurred in another county.
Louisville & N. R. Co. v. Cooley (Ky.), vol. 12, p. 553.
- Certificate of state court as showing that federal question as to whether repeal of exemption from taxation impaired obligation of contract was passed upon.
Gulf & Ship Island R. Co. v. Hewes (U. S.), vol. 23, p. 510.
- Citizenship requisite to give federal jurisdiction.
Louisville, N. A. & C. Ry. Co. v. Louisville Trust Co. (U. S.), vol. 15, p. 345.
- Company liable for death of intestate cannot contest jurisdiction of probate court.
Ex parte Northeastern R. Co. (S. Car.), vol. 21, p. 99.
- In re Mayo's Estate (S. Car.), vol. 21, p. 99.
- Court's jurisdiction over railroad commissions.
Louisville & N. R. Co. v. Commonwealth (Ky.), vol. 13, p. 125.
- Court's jurisdiction to direct location of union station.
Concord & M. R. R. v. Boston & M. R. R. (N. H.), vol. 14, p. 458.
- Death caused by acts committed without the state.
Rudiger v. Chicago, etc., R. Co. (Wis.), vol. 6, p. 50.
- Equity has no jurisdiction of combinations between carriers of freight.
Post v. Southern Ry. Co. (Tenn.), vol. 16, p. 201.
- Equity jurisdiction of bill to obtain cancellation of guaranty of bonds.
Louisville, N. A. & C. Ry. Co. v. Louisville Trust Co. (U. S.), vol. 15, p. 345.
- Evidence of jurisdiction of foreign court.
Robertson v. Stead (Mo.), vol. 4, p. 529.
- Exaggeration of damages, province of court.
Mexican Cent. Ry. Co., Limited, v. Glover (C. C. A.), vol. 21, p. 272.

JURISDICTION—*Continued.*

- Federal court decreeing receivership of a railroad, has jurisdiction to prevent the establishing in a state court of a claim for negligence after foreclosure sale and pending delivery to purchaser.
Fidelity Insurance, Trust & Safe-Deposit Co. v. Norfolk & W. R. Co. (C. C. Va.), vol. 12, p. 874.
- Federal jurisdiction of appointment of receiver.
International Trust Co. v. T. B. Townsend Brick & Contracting Co. (C. C. A.), vol. 15, p. 310.
- Federal jurisdiction where corporation of one state is subsequently created a corporation of another.
Louisville N. A. & C. Ry. Co. v. Louisville Trust Co. (U. S.), vol. 15, p. 345.
- Federal jurisdiction where state seeks to impose federal tax not dependent on diversity of citizenship.
Dinsmore v. Southern Exp. Co. (Ga.), vol. 13, p. 314.
- Jurisdiction of appellate division of New York court.
Judson v. Central Vermont R. Co. (N. Y.), vol. 15, p. 7.
- Jurisdiction of court of claims where claims for value of railroad property seized by government during war are to be determined.
United States v. Winchester, etc., R. Co. (U. S.), vol. 4, p. 264.
- Jurisdiction of justice of peace in action for damage by fire.
Bagley v. Columbus, etc., R. Co. (Ga.), vol. 5, p. 700.
- Jurisdiction of state court where federal court has possession of property of street railroad.
City of Lincoln v. Lincoln St. Ry. Co. (U. S.), vol. 6, p. 788.
- Mandamus proceedings in circuit courts of Michigan.
Atty. Gen. ex rel. Moore v. American Exp. Co. (Mich.), vol. 13, p. 95.
- Of federal courts, diverse citizenship.
Boston & M. R. R. v. Hurd (C. C. A.), vol. 21, p. 674.
- Of Ohio courts where death occurred in Indiana.
Wabash R. Co. v. Fox (Ohio), vol. 21, p. 690.

JURISDICTION—Continued.

Of supreme judicial court to enjoin continuing trespass, under Mass. Pub. St. c. 151, § 4. *Boston & M. R. R. v. Sullivan* (Mass.), vol. 20, p. 356.

Passenger injured during receivership may sue succeeding corporation in state court of competent jurisdiction, and is not required to resort to court which decreed receivership.

Atchison, T. & S. F. Ry. Co. v. Cunningham (Kan.), vol. 12, p. 132.

Question of liability of resident defendant should not be determined until final trial, where it is contended that the court is without jurisdiction over nonresident defendant, because resident defendant is not liable.

Central of Georgia Ry. Co. v. Brown (Ga.), vol. 21, p. 561.

Residence of railroad corporation.

Tobin v. Chester, etc., R. Co. (S. Car.), vol. 5, p. 630.

Right of court to exercise.

Hickman v. Missouri, etc., Ry. Co. (Mo.), vol. 15, p. 375.

Right to deny.

International Trust Co. v. T. B. Townsend Brick & Contracting Co. (C. C. A.), vol. 15, p. 310.

Waiver.

Eel River R. Co. v. State ex rel. Kistler, Pros. Atty. (Ind.), vol. 17, p. 595.

Waiver of failure to comply with statutory requirements necessary to acquire jurisdiction.

Van Doren v. Pennsylvania R. Co. (C. C. A.), vol. 13, p. 577.

Where existence is inferred.

McCray v. Galveston, H. & S. A. R. Co. (Tex.), vol. 3, p. 276.

Where death was inflicted in foreign state, existence of similar foreign statutes.

Wabash R. Co. v. Fox (Ohio), vol. 21, p. 690.

JURORS.

See Trials.

JURY.

See Jurors.

New Trial.

Questions of Law and Fact. Trials.

JURY—Continued.

Effect of statement in jury room as to offers to compromise.

Jackson & S. St. R. R. v. Simmons (Tenn.), vol. 23, p. 236.

Jurors.

Effort to disqualify must be supported by proof.

McGeary v. Old Colony R. R. (R. I.), vol. 14, p. 764.

Having had a claim against a railway company does not disqualify a person as a juror, in an action against such company.

Missouri, K. & T. Ry. Co. v. Elliott (Ind. Ter.), vol. 14, p. 587.

Impeachment.

Ill. Cent. R. Co. v. West (Ky.), vol. 21, p. 239.

Misconduct in visiting scene of accident without permission of court.

Chicago, B. & Q. R. Co. v. Oyster (Neb.), vol. 12, p. 656.

Stockholders and employees of lessee railroad company not disqualified to act as jurors in action against lessor.

Augusta So. R. Co. v. McDade (Ga.), vol. 12, p. 548.

Utah statute as to selection.

Williams v. Ore. Short-Line R. Co. (Utah), vol. 12, p. 61.

JUSTICES OF PEACE.

See Appeal.

Carriers of Goods.

In the absence of legislative enactment a justice of the peace has no authority to determine the rate of freight charges of a railroad corporation.

Norfolk & Western Ry. Co. v. Pinnacle Coal Co. (W. Va.), vol. 10, p. 358.

Dismissal of case.

Central of Ga. Ry. Co. v. Howard (Ga.), vol. 21, p. 15.

Eminent Domain.

Jurisdiction.

Musick v. Kansas City, S. & M. R. Co. (Mo.), vol. 3, p. 28.

Jurisdiction of justice.

Bagley v. Columbus, etc., R. Co. (Ga.), vol. 5, p. 700.

JUSTICES OF PEACE—Cont'd.

Jurisdiction of justice of peace in stock killing cases, not exclusive.

Kansas City, etc., R. Co. v. Whitehead (Ala.), vol. 4, p. 262.

KILLING STOCK.

See Stock, Injuries to.

LABOR CLAIMS.

See Preferential Claims.

LACHES.

*See Injunctions.
Licenses.
Mortgages.*

LANDS.

See Public Lands.

LARCENY.

See Baggage.

Baggage.

Ringwalt v. Wabash R. Co. (Neb.), vol. 2, p. 450.

Southern Kansas Ry. Co. v. Clark (Kan.), vol. 2, p. 460.

Bill of lading.

Raleigh & G. R. Co. v. Lowe (Ga.), vol. 10, p. 398.

LATENT DEFECTS.

See Master and Servant.

LAWS.

*See English Law.
Legislature.*

LAWS OF THE ROAD.

See Street Railroads.

Electric railroads.

Galbraith v. West End St. R. Co. (Mass.), vol. 3, p. 628.

Street railways.

Flewelling v. Lewiston & A. H. R. Co. (Me.), vol. 6, p. 501.

LAWYERS.

*See Attorneys.
Remarks of Counsel.*

LEASED CARS.

See Leases.

LEASES AND RUNNING POWERS.

*See Car Trust Companies.
Car Trust Leases.
Connecting Carriers.
Master and Servant.*

LEASES AND RUNNING POWERS—Continued.

Business of, as well as that of main line considered in compelling operation of passenger train.

People ex rel. Cantrell v. St. Louis A. & T. H. R. Co. (Ill.), vol. 12, p. 227.

Competing lines, what constitutes.

State ex rel. Nolan, Atty. Gen., v. Montana Ry. Co. (Mont.), vol. 11, p. 353.

Construction of contract granting trackage rights by one road to another.

Louisville & N. R. Co. v. Louisville S. Ry. Co. (Ky.), vol. 8, p. 161.

Construction of statute allowing railroads to lease lines.

Eel River R. Co. v. State ex rel. Kistler, Pros. Atty. (Ind.), vol. 17, p. 595.

Contract construed as conveying right of user and not of ownership.

Michigan Cent. R. Co. v. Pere Marquette R. Co. (Mich.), vol. 23, p. 864.

Duty of lessee to provide for transportation of passengers and freight.

People ex rel. Cantrell v. St. Louis, A. & T. H. R. Co. (Ill.), vol. 12, p. 227.

Estoppel to plead that lease was ultra vires.

Pittsburg, etc., R. Co. v. Altoona, etc., R. Co. (Pa.), vol. 19, p. 614.

Landlord's lien upon rolling stock of leased railroad.

Trust Co. of North America v. Manhattan Trust Co. (C. C. A.), vol. 6, p. 220.

Lease of cars by receivers.

Mercantile Trust & Deposit Co. v. Atlanta Stone, Coal & Lumber Co. (Ala.), vol. 8, p. 102.

Mercantile Trust & Deposit Co. v. Southern Iron Car-Line Co. (Ala.), vol. 8, p. 102.

Lease of land on its right of way by railroad company not affected by fact that it is a common carrier.

Hartford Fire Ins. Co. v. Chicago, M. & St. P. R. Co. (U. S.), vol. 16, p. 779.

LEASES AND RUNNING POWERS—Continued.

Lease of land to railroad company for stock yards, option of purchaser.

Bacon *v.* Kentucky Cent. Ry. Co. (Ky.), vol. 1, p. 718.

Leases, sublease of cars by receivers.

Mercantile Trust & Deposit Co. *v.* Atlanta Stone, Coal & Lumber Co. (Ala.), vol. 8, p. 102.

Mercantile Trust & Deposit Co. *v.* Southern Iron Car-Line Co. (Ala.), vol. 8, p. 102.

Lessee as trustee of lessor and its bond holders under lease requiring lessee to set apart certain portion of earnings for lessor.

Terre Haute & I. R. Co. *v.* Cox (C. C. A.), vol. 19, p. 327.

Lessee company not liable for injury to abutting property caused by construction of railroad in street.

Guinn *v.* Ohio River Co. (W. Va.), vol. 13, p. 437.

Lessee of railroad must provide for transportation of passengers.

People ex rel. Cantrell *v.* St. Louis, A. & T. H. R. Co. (Ill.), vol. 12, p. 227.

Lessor and lessee should be made defendants to action to subject railway to lessee's liability.

Little Rock, etc., Ry. Co. *v.* Daniels (Ark.), vol. 19, p. 609.

Lessor estopped from setting up lease providing for indemnity against liability for injury to lessee's employees.

Harden *v.* N. Car. R. Co. (N. Car.), vol. 23, p. 895.

Lessor liable for injuries to trespasser through ejection in wrongful manner by lessee's employee.

Pierce *v.* N. Car. R. Co. (N. Car.), vol. 13, p. 666.

Lessor liable for negligence of lessee.

Denver & R. G. R. Co. *v.* Roller (C. C. A.), vol. 18, p. 595.

Pierce *v.* N. Car. R. Co. (N. Car.), vol. 13, p. 666.

Lessor's liability for lessee's negligence in allowing obstruction in street in violation of contract.

Anderson *v.* Union Terminal R. Co. (Mo.), vol. 20, p. 834.

LEASES AND RUNNING POWERS—Continued.

Liability for injury to passengers on leased line.

Chicago, R. I. & P. Ry. Co. *v.* Posten (Kan.), vol. 11, p. 138.

Liability for loss of leased car.

Georgia, S. & F. Ry. Co. *v.* Southern Ry., etc., Co. (Ga.), 15, p. 295.

Liability for negligence in killing stock of another company permitted to use tracks.

Central of Ga. Ry. Co. *v.* Wood (Ala.), vol. 20, p. 906.

Liability for negligence of lessee.

Little Rock & Ft. S. Ry. Co. *v.* Daniels (Ark.), vol. 19, p. 609.

Liability for torts of lessee.

Louisville & N. R. Co. *v.* Breeden (Ky.), vol. 23, p. 131.

Liability of company for expulsion of passenger by lessee of train.

Chesapeake & O. R. Co. *v.* Osborne (Ky.), vol. 2, p. 156.

Liability of lessee for injuries caused by improper construction of road.

Lee *v.* Southern Pac. R. Co. (Cal.), vol. 7, p. 656.

Liability of lessor and city for injury caused by defective street car track.

Schaefer *v.* City of Fond du Lac (Wis.), vol. 11, p. 342.

Liability of lessor for injuries to lessee's employees caused by negligence of fellow servant.

Banks *v.* Georgia R. & Bk. Co. (Ga.), vol. 20, p. 225.

Liability of lessor for negligence of lessee.

Chicago & E. R. Co. *v.* Meech (Ill.), vol. 7, p. 667.

City of Raleigh *v.* N. Car. R. Co. (N. Car.), vol. 23, p. 953.

Harden *v.* N. Car. R. Co. (N. Car.), vol. 23, p. 895.

Lee *v.* Southern Pac. R. Co. (Cal.), vol. 7, p. 656.

Perry *v.* Western N. Car. R. Co. (N. Car.), vol. 21, p. 659.

Pierce *v.* North Carolina R. Co. (N. Car.), vol. 13, p. 666.

Liability of lessor of street railway for injury caused by defective track.

Schaefer *v.* City of Fond du Lac (Wis.), vol. 11, p. 342.

LEASES AND RUNNING POWERS—Continued.

Liability to other company for negligence, where track is used in common.

Central Trust Co. of N. Y. *v.* Denver, etc., R. Co. (C. C. A.), vol. 19, p. 513.

Liability of third party for rent.
East St. Louis Connecting Ry. Co. *v.* Jarvis (C. C. A.), vol. 15, p. 459.

Obligations assumed by lessee.
People ex rel. Cantrell *v.* St. Louis, A. & T. H. R. Co. (Ill.), vol. 12, p. 227.

Obligation of lessee to operate.
State ex rel. Grinsfelder *v.* Spokane St. Ry. Co. (Wash.), vol. 11, p. 62.

Penalty for negligence in discharging obligations of lease, mitigated.

Pittsburg, etc., R. Co. *v.* Altoona, etc., R. Co. (Pa.), vol. 19, p. 615.

Power of receiver to lease and operate other roads.

South Carolina & G. R. Co. *v.* Carolina, C. G. & C. Ry. Co. (C. C. A.), vol. 15, p. 212.

Railway subject to sale to satisfy liability of lessee.

Little Rock, etc., Ry. Co. *v.* Daniels (Ark.), vol. 19, p. 609.

Restriction in grant to use track as to receiving and shipping freight, did not render the contract void as against public policy.

Central of Ga. Ry. Co. *v.* Black (Ga.), vol. 23, p. 864.

Rights of company leasing from company prior to adoption of California Civil Code.

Robinson *v.* Southern Pac. Co. (Cal.), vol. 2, p. 44.

Rights of dissenting stockholders.

Boston & M. R. R. *v.* Graham (Mass.), vol. 22, p. 553.

Ultra vires lease cannot be recovered on.

East St. Louis Connecting Ry. Co. *v.* Jarvis (C. C. A.), vol. 15, p. 459.

Validity of lease of nonconnecting roads under Pennsylvania laws.

Van Steuben *v.* Central R. Co. of N. J. (Pa.), vol. 9, p. 485.

LEASES AND RUNNING POWERS—Continued.

Whether stock of dissenting stockholders must be purchased under Mass. St. 1900, c. 426, in order to render lease valid.

Boston & M. R. R. *v.* Graham (Mass.), vol. 22, p. 553.

LEGAL CONCLUSIONS.

See Pleading.

Allegation in complaint in an action for wrongful ejection from a car that defendant's conductor wilfully, violently and forcibly ejected complainant from the car were statements of mere legal conclusions of the pleader.

McGhee *v.* Reynolds (Ala.), vol. 10, p. 49.

Allegation of negligence.

Omaha & R. V. Ry. Co. *v.* Wright (Neb.), vol. 4, p. 9.

LEGAL TENDER.

See Carriers of Passengers. Tickets and Fares.

Passenger's fare.

Atlanta Consol. St. Ry. Co. *v.* Keeny (Ga.), vol. 5, p. 305.

LEGISLATURE.

See Municipal Corporations. Rates.

Entire proclamation convening legislature in special session should be considered in determining whether the act is germane to object stated in executive call.

Chicago, B. & Q. R. Co. *v.* Wolfe (Neb.), vol. 22, p. 26.

Power to transact business at special session.

Chicago, B. & Q. R. Co. *v.* Wolfe (Neb.), vol. 22, p. 26.

Sec. 3, art. 1, ch. 72, Comp. St. of Nebraska was properly passed at special session.

Chicago, B. & Q. R. Co. *v.* Wolfe (Neb.), vol. 22, p. 26.

LESSEES.

See Carriers of Passengers.

LEX FORI.

See Actions.

LEX LOCI.*See Actions.**Fellow Servants.**Master and Servant.*

Liability for wrongful death governed by law of state where inflicted.

Cowen *v.* Ray (C. C. A.), vol. 21, p. 531.

LICENSEES.*See Carriers of Passengers.**Children.**Crossings.**Freight Trains.*

Abandonment of right of way, occupation under parol license, right of company to reoccupy land afterwards purchased by third party.

St. Louis S. W. R. Co. *v.* Hargrove (Tex.), vol. 1, p. 667.

Acquisition of right of way by license.

Hanlon *v.* Union Pac. Ry. Co. (Neb.), vol. 1, p. 701.

Bundle thrown from car striking licensee standing on platform.

McGrath *v.* Eastern Ry. Co. of Minn. (Minn.), vol. 13, p. 768.

Care due licensees.

Tully *v.* Phila, etc., R. Co. (Del.), vol. 23, p. 209.

Contributory Negligence.

Nonsuit properly ordered notwithstanding defendant's negligence in action for injury sustained by one at station merely for his own convenience.

Davis *v.* Boston & M. R. R. (N. H.), vol. 21, p. 821.

Stepping on track on depot grounds.

Chattanooga, R. & S. Ry. Co. *v.* Downs (C. C. A.), vol. 21, p. 493.

Delay in revoking license.

Harrelson *v.* Kansas City & A. R. Co. (Mo.), vol. 16, p. 848.

Duties owing to licensees at depot.

Norfolk & W. Ry. Co. *v.* Wood (Va.), vol. 21, p. 317.

Duty as to warning where track within city used as footpath.

Connell *v.* Chesapeake & O. Ry. Co. (Ky.), vol. 19, p. 236.

Duty of company to keep plat-

LICENSEES—Continued.

form free from ice, for use of licensee.

Clarke *v.* Howard (C. C. A.), vol. 13, p. 743.

Duty to inspect appliances, instructions.

Cederson *v.* Oregon R. & Nav. Co. (Ore.), vol. 21, p. 624.

Duty to licensees crossing track at invitation of company.

Weldon *v.* Phila. W. & B. R. Co. (Del.), vol. 13, p. 759.

Duty to licensees crossing track without invitation.

Weldon *v.* Phila. W. & B. R. Co. (Del.), vol. 13, p. 759.

Duty to look out for on railroad premises.

Fleming *v.* Louisville & N. R. Co. (Tenn.), vol. 20, p. 549.

Duty to maintain lookout where track has been used as footpath for twenty-five years.

Morgan *v.* Wabash R. Co. (Mo.), vol. 20, p. 372.

Duty to maintain station platform in safe condition.

Cincinnati, H. & D. R. Co. *v.* Aller (Ohio), vol. 21, p. 304.

Duty to person riding on train by invitation of fireman.

Louisville & N. R. Co. *v.* Thornton (Ky.), vol. 19, p. 229.

Effect of mere failure to object to persons crossing right of way.

Illinois Cent. R. Co. *v.* O'Connor (Ill.), vol. 20, p. 816.

Evidence of use of track as pathway.

McCall *v.* So. Ry. Co. (N. Car.), vol. 23, p. 760.

Existence of license to use railroad as footpath.

Jones *v.* Charleston, etc., Ry. Co. (S. Car.), vol. 23, p. 261.

Failure to allege company's knowledge of defect in action for injury to licensee from derailment of train.

Cederson *v.* Ore. R. & Nav. Co. (Ore.), vol. 21, p. 624.

Injury to licensee at depot.

Denver & R. G. R. Co. *v.* Spencer (Colo.), vol. 10, p. 536.

Injury to licensee on track.

Stanley *v.* Durham & N. R. Co. (N. Car.), vol. 9, p. 208.

LICENSEES—Continued.

- Liability for defect in right of way permitted to be used as street.
 Neal *v.* Southern Ry. Co. (N. Car.), vol. 20, p. 941.
- Liability for injuries to, from dangerous premises.
 Atchison, etc., R. Co. *v.* Whitbeck (Kan.), vol. 7, p. 778.
 Louisville & N. R. Co. *v.* Sides (Ala.), vol. 21, p. 90.
- Liability for injury to ice company's employee caused by ice and snow on roof of car he was loading.
 Baker *v.* Louisville & N. Terminal Co. (Tenn.), vol. 20, p. 946.
- Liability for injury to licensee on depot platform.
 Norfolk & W. Ry. Co. *v.* Wood (Va.), vol. 21, p. 317.
- Liability for injury to licensee on right of way happening under circumstances which made defendant only liable for wantonness or wilfulness.
 Pennsylvania R. Co. *v.* Martin (C. C. A.), vol. 23, p. 449.
- Liability for injury to licensee on right of way, sufficiency of evidence.
 Jones *v.* Charleston, etc., R. Co. (S. Car.), vol. 23, p. 261.
- Liability of company for injury to licensee.
 Lingenfelter *v.* Baltimore & O. S. W. Ry. Co. (Ind.), vol. 16, p. 690.
- Liability of railroad company for injury to licensee on freight train.
 Cleveland, C., C. & St. L. Ry. Co. *v.* Best (Ill.), vol. 9, p. 660.
- License to use right of way as footpath, sufficiency of evidence.
 Cederson *v.* Ore. R. & Nav. Co. (Ore.), vol. 21, p. 625.
- Mere failure to prohibit employees from using spur track running to mine as footpath does not entitle them to rights of licensees.
 Egan *v.* Montana Cent. Ry. Co. (Mont.), vol. 20, p. 72.
- No implied license to cross tracks in railroad yard through spaces casually left between cars.
 Grady *v.* Ga. R. R. & Banking Co. (Ga.), vol. 20, p. 400.

LICENSEES—Continued.

- No liability for injury to mere licensee using path across company's lot, in the absence of wilfulness or wantonness.
 Ill. Cent. R. Co. *v.* Arnola (Miss.), vol. 20, p. 945.
- Notice to servant of habitual use of track as notice to master.
 Comer *v.* Hill (Ga.), vol. 11, p. 3.
- One assisting departing passenger.
 Whitley *v.* Southern Ry. Co. (N. Car.), vol. 12, p. 210.
- Parol license to enter on land.
 Minneapolis, St. Paul & S. Ste. M. Ry. Co. *v.* Marble (Mich.), vol. 7, p. 780.
- Pleading negligence in action for injury to licensee caused by derailment of train.
 Cederson *v.* Oregon R. & Nav. Co. (Ore.), vol. 21, p. 624.
- Presumption of negligence from happening of accident to licensee, instructions.
 Cederson *v.* Oregon R. & Nav. Co. (Ore.), vol. 21, p. 625.
- Public could acquire no right to use as footpath track not in highway.
 Floyd *v.* Paducah Ry. & Light Co. (Ky.), vol. 23, p. 167.
- Right of way, acquisition of easement.
 Minneapolis Western Ry. Co. *v.* Minn. & St. L. R. Co. (Minn.), vol. 1, p. 725.
- Right of way, revocation of license void under statute of frauds.
 Hewlins *v.* Shipham (Eng.), vol. 1, p. 728.
- Sufficiency of evidence as to negligence in action for injuries caused by iron leaning against freight house falling upon licensee.
 Carter *v.* Boston & A. R. Co. (Mass.), vol. 21, p. 492.
- Sufficiency of evidence as to whether there was failure to inspect car wheel.
 Cederson *v.* Ore. R. & Nav. Co. (Ore.), vol. 21, p. 624.
- Sufficiency of evidence of defect in track, in action for injury to ice company's employee.
 Baker *v.* Louisville & N. Terminal Co. (Tenn.), vol. 20, p. 946.
- Sufficiency of evidence of right to use railroad as footpath.
 Jones *v.* Charleston, etc., Ry. Co. (S. Car.), vol. 23, p. 261.

LICENSES.

See Constitutional Law.
Exemption from Taxation.

Constitutionality of city license tax where railroad is engaged in interstate commerce.

Alabama G. S. R. Co. *v.* City of Bessemer (Ala.), vol. 6, p. 410.

Duty of acceptor of license to comply with state law repugnant to federal constitution.

Cargill Co. *v.* Minnesota (U. S.), vol. 20, p. 658.

Statute requiring a license for elevator in which grain is stored for interstate shipment not a regulation of interstate commerce.

Cargill Co. *v.* Minnesota (U. S.), vol. 20, p. 658.

LIENS.

See Carriers of Goods.
Receivers.

Carrier's lien on goods attached in its warehouse.

Santa Fe Pac. R. Co. *v.* Bossut (N. Mex.), vol. 19, p. 683.

Claims for personal injuries.

Veatch *v.* American Loan & Trust Co. (C. C. A.), vol. 10, p. 795.

Contractors furnishing labor are not laborers within meaning of Arkansas statute giving lien.

Little Rock, H. S. & T. Ry. Co. *v.* Spencer (Ark.), vol. 12, p. 861.

Enforceability at law of lien upon gross earnings of railroad company.

Grand Trunk Ry. Co. *v.* Cent. Vt. R. Co. (Vt.), vol. 11, p. 693.

Inchoate interests and liens not displaced by private conveyance of land for right of way.
 Farrow *v.* Nashville, etc., R. Co. (Ala.), vol. 5, p. 704.

Judgment for personal injuries.
 Fidelity Loan & Trust Co. *v.* Douglas (Iowa), vol. 9, p. 713.

Landlord's lien upon rolling stock of leased railroad.

Trust Co. of North America *v.* Manhattan Trust Co. (C. C. A.), vol. 6, p. 220.

Liability of owner of railroad for lien for labor.

Adams *v.* G. I., etc., R. Co. (S. Dak.), vol. 8, p. 765.

LIENS—Continued.

Lien on railroad property where foreclosure of mortgage.

Terre Haute & I. R. Co. *v.* Harrison (C. C. A.), vol. 15, p. 272.

Property liable to sub-contractor's lien.

Adams *v.* G. I., etc., R. Co. (S. Dak.), vol. 8, p. 765.

Stoppage in transitu.

Penn. Steel Co. *v.* Georgia R. & Banking Co. (Ga.), vol. 2, p. 685.

Whether claims for personal injuries are liens.

Baltimore Trust & Guarantee Co. *v.* Hofstetter (C. C. A.), vol. 10, p. 783.

LIFE INSURANCE.

See Insurance.

LIFE TABLES.

See Damages.

Evidence.

Judicial Notice.

Mortality Tables.

LIGHTS.

See Accidents on Track.

Carriers of Passengers.

Crossings.

Stations and Depots.

LIMITATIONS.

See Actions.

Adverse Possession.

Carriers of Live Stock.

LIMITATION OF ACTIONS.

See Actions.

Consolidation.

Death by Wrongful Act.

Stock, Injuries to.

Accrual of right to damages for obstruction of stream by insufficient culvert on right of way.

Chicago, etc., R. Co. *v.* Andreeson (Neb.), vol. 22, p. 536.

Action for failure to construct farm crossing not barred by.
 Louisville & N. R. Co. *v.* Pittman (Ky.), vol. 18, p. 329.

Action to recover for overcharge for carriage of goods.

Murray *v.* Chicago & N. W. Ry. Co. (C. C. A.), vol. 13, p. 278.

Amendment of declaration constituting a departure so as to render action barred by limitations.

Boston & M. R. R. *v.* Hurd (C. C. A.), vol. 21, p. 674.

LIMITATION OF ACTIONS—

Continued.

- Appropriation proceedings.
Fries v. Wheeling & L. E. Ry. Co. (Ohio), vol. 6, p. 489.
- Consolidation as affecting.
Kansas City, W. & N. W. R. Co. v. Way (Kan.), vol. 13, p. 363.
- Damages to land caused by overflow of water arising from construction of railroad.
Parker v. Norfolk & C. R. Co. (N. Car.), vol. 6, p. 716.
- Death by wrongful act.
Carden v. Louisville, etc., R. Co. (Ky.), vol. 10, p. 872.
Texas & P. R. Co. v. Hawkins (Tex. Civ. App.), vol. 2, p. 380.
- Death by wrongful act, common-law limitation.
Western & A. R. Co. v. Bass (Ga.), vol. 11, p. 608.
- Death by wrongful act, statutory limitation.
Western & A. R. Co. v. Bass (Ga.), vol. 11, p. 608.
- Defective summons effective to cause running to start afresh.
Ketterman v. Dry Fork R. Co. (W. Va.), vol. 19, p. 446.
- Effect of statute passed after commencement of suit.
Nichols v. Norfolk, etc., R. Co. (N. Car.), vol. 8, p. 768.
- Injuries to passengers.
Patterson v. Augusta & Savannah R. Co. (Ga.), vol. 2, p. 342.
- Injuries to property by railroad in street.
Baltimore & O. R. Co. v. Lersch (Ohio), vol. 14, p. 835.
- Kentucky St., § 819, applies to action for charging more for short than long haul.
Louisville & N. R. Co. v. Walker (Ky.), vol. 21, p. 473.
- Loss caused by fire.
Louisville & N. R. Co. v. Spring-Water Distilling Co. (Ky.), vol. 15, p. 527.
- North Carolina statute constitutional.
Narron v. Wilmington & W. R. Co. (N. Car.), vol. 13, p. 852.
- Petition may be amended after statutory limitations for time

LIMITATION OF ACTIONS—

Continued.

- of bringing of action has elapsed.
Missouri Pac. Ry. Co. v. Moffatt (Kan.), vol. 12, p. 397.
- Pleading want of knowledge for purpose of bringing action within the statute.
Murray v. Chicago & N. W. Ry. Co. (C. C. A.), vol. 13, p. 278.
- Recovery of present and future damage caused by operation of railroad.
Chicago, R. I. & P. R. Co. v. O'Neill (Neb.), vol. 13, p. 371.
- Where injuries to low land were caused by railroad bridge, there was a continuous injury.
Eells v. Chesapeake & O. Ry. Co. (W. Va.), vol. 21, p. 668.

LIMITATION OF LIABILITY.

*See Baggage.**Bills of Lading.**Carriers of Freight.**Carriers of Goods.**Carriers of Passengers.**Common Carriers.**Conflict of Laws.**Death by Wrongful Act.**Drover's Pass.**Express Companies.**Live Stock.**Tickets and Fares.*

LIQUIDATION.

See Corporations.

LIVE STOCK.

*See Carriers of Freight.**Carriers of Live Stock.**Fences.**Stock, Injuries to.*

LOCAL ASSESSMENTS.

See Street Railways.

Burden of proving that ordinance was legally passed.

Kansas City, etc., Ry. Co. v. Board Waterworks (Ark.), vol. 20, p. 265.

Company's grain elevators leased to and operated by tenants, if used exclusively in storing and taking in grain for shipments over its road, are exempt as railroad's real estate used exclusively in operation of the road.

Hertert, Treasurer, v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 21, p. 672.

LOCAL ASSESSMENTS—Continued.

Liability of abutting property.
 Louisville & N. R. Co. v.
 Nehan (Ky.), vol. 23, p.
 201.

Liability of railroad company
 in possession of wharf prop-
 erty, owned by city, from
 which it derives revenue.

Louisville & N. R. Co. v.
 Nehan (Ky.), vol. 23, p.
 201.

Property not used for railroad
 purposes subject to local as-
 sessments only, under laws
 of New Jersey.

In re Jersey City & B. Ry. Co.
 (N. J.), vol. 23, p. 281.

Railroad right of way cannot
 be assessed for local improve-
 ments unless benefit is
 shown.

Kansas City, etc., Ry. Co. v.
 Board Waterworks (Ark.),
 vol. 20, p. 265.

Right of way cannot be sold to
 enforce payment of local as-
 sessments, under Arkansas
 statute.

Kansas City, etc., Ry. Co.
 v. Board Waterworks
 (Ark.), vol. 20, p. 265.

Validity of assessment on rail-
 road for street improvement.

City of New Whatcom v. Bell-
 ingham Bay & B. C. R.
 Co. (Wash.), vol. 6, p. 419.

Ill. Cent. R. Co. v. City of
 Kankakee (Ill.), vol. 6, p.
 417.

Where portion of lands adjacent
 to railroad right of way owned
 by railroad is used for rail-
 road purposes, the part so
 used is not subject to local
 taxation.

In re Pennsylvania R. Co.
 (N. J.), vol. 22, p. 178.

LOCAL CARRIERS.

See Injunctions.
Stations and Depots.

LOCAL IMPROVEMENTS.

See Street Railways.

LOCUS IN QUO.

See Evidence.

LONG AND SHORT HAULS.

See Carriers of Freight.
Interstate Commerce.
Railroad Commissioners.

LOOK AND LISTEN.

See Accidents on Track.

LOOKOUTS.

See Carriers of Passengers.
Children.

Crossings.

Negligence.

Stock, Injuries to.

Street Railways.

At rear of car.

Cookson v. Pittsburg & W.
 K. Co. (Pa.), vol. 6, p.
 339.

Contributory negligence a de-
 fense to negligence in failing
 to comply with statutory pro-
 vision as to maintaining
 lookout.

Little Rock & Ft. S. Ry. Co.
 v. Smith (Ark.), vol. 13, p.
 699.

Duty as to.

St. Louis, I. M. & S. Ry. Co.
 v. Warren (Ark.), vol. 13,
 p. 729.

Duty of engineer.

Omaha & R. V. Ry. Co. v.
 Wright (Neb.), vol. 4, p. 9.

Duty to keep lookout where
 track is habitually used by
 pedestrians.

Garner v. Trumbull (C. C.
 A.), vol. 15, p. 589.

Duty to station lookout while
 switching cars.

Florida Cent. & P. R. Co. v.
 Foxworth (Fla.), vol. 13,
 p. 469.

Failure of employee to keep
 lookout not negligence where
 it was not one of his duties.

Louisville & N. R. Co. v.
 Creighton (Ky.), vol. 15,
 p. 713.

On rear of car.

Green v. Chicago, etc., R.
 Co. (Mich.), vol. 6, p.
 317.

Presumption as to performance
 of duty.

Johnson v. Rio Grande W.
 Ry. Co. (Utah), vol. 13, p.
 691.

Punitive damages not recover-
 able for killing of child and
 injury of person attempting
 to rescue, by reason of fail-
 ure to keep lookout.

Louisville & N. R. Co. v.
 Creighton (Ky.), vol. 15, p.
 713.

LOOKOUTS—Continued.

Statute requiring, degree of care.

St. Louis S. W. R. Co. *v.* Russell (Ark.), vol. 3, p. 653.

Tennessee statute.

Mobile, etc., R. Co. *v.* House (Tenn.), vol. 4, p. 261.

LUNATICS.

See Carriers of Passengers.

Authority to contract for non compos mentis.

Page *v.* Louisville & N. R. Co. (Ala.), vol. 21, p. 1.

MACHINERY.

See Master and Servant.

MAIL.

See Interstate Commerce. Taxation.

Construction of mail contracts.

Johnson *v.* Boston & M. R. Co. (Vt.), vol. 10, p. 374.

Mailing points for transfer.

Johnson *v.* Boston & M. R. Co. (Vt.), vol. 10, p. 374.

MAIL AGENTS.

See Carriers of Passengers.

MAIL CLERKS.

See Carriers of Passengers. Stations and Depots.

As passengers.

Louisville, etc., R. Co. *v.* Kingman (Ky.), vol. 5, p. 401.

Not passengers within meaning of Pennsylvania statute.

Foreman *v.* Pennsylvania R. Co. (Pa.), vol. 17, p. 246.

Passengers.

Louisville, etc., R. Co. *v.* Kingman (Ky.), vol. 5, pp. 401, 405.

MAIL CRANES.

See Structures near Track.

MALICE.

See Carriers of Passengers. Crossings. Master and Servant.

Malice implied where carrier carelessly repudiated valid ticket.

Winters *v.* Cowen (C. C. Ohio), vol. 12, p. 40.

MALICIOUS PROSECUTION.

Action for malicious prosecution where defendant tore up the track on right of way claimed by him as his own.

Stricker *v.* Pennsylvania R. Co. (N. J.), vol. 7, p. 758.
Wichita & W. Ry. Co. *v.* Quinn (Kan.), vol. 7, p. 217.

Company's ratification of conductor's act in arresting passenger.

Lezinsky *v.* Metropolitan St. Ry. Co. (C. C. A.), vol. 12, p. 55.

Conductor's employment does not extend to leaving car, in order to have passenger arrested for failure to pay fare.

Lezinsky *v.* Metropolitan St. Ry. Co. (C. C. A.), vol. 12, p. 55.

MANDAMUS.

See Bridges.

Carriers of Goods.

Carriers of Passengers.

Business of leased lines as well as of main line considered in compelling operation of separate passenger train.

People ex rel. Cantrell *v.* St. Louis, A. & T. H. R. Co. (Ill.), vol. 12, p. 227.

Carriage of goods compelled.

Cumberland Tel. & Tel. Co. *v.* Morgan's L. & T. R. Co. (La.), vol. 13, p. 71.

Carriage of goods compelled where shipper refuses to pay for revenue stamp.

Atty. Gen. ex rel. Moore *v.* American Exp. Co. (Mich.), vol. 13, p. 95.

Circuit court has jurisdiction of mandamus proceedings against "association" as well as corporation.

Atty. Gen. ex rel. Moore *v.* American Exp. Co. (Mich.), vol. 13, p. 95.

Compelling erection of depot.

State ex rel. Smart *v.* Kansas City, S. & G. Ry. Co. (La.), vol. 14, p. 461.

Compelling express companies to affix revenue stamps.

American Exp. Co. *v.* Maynard, Atty. Gen. (U. S.), vol. 17, p. 530.

MANDAMUS—Continued.

- Compelling trains to stop at county seats.
 Cleveland, C., C. & St. L. Ry. Co. *v.* People ex. rel. Jett (Ill.), vol. 14, p. 846.
- Effect of having remedy in equity.
 People *v.* N. Y. Cent., etc., R. Co. (N. Y.), vol. 23, p. 175.
- Enforcement of order of railroad commissioners.
 State ex rel. Lamar, Atty. Gen., *v.* Jacksonville Term. Co. (Fla.), vol. 16, p. 727.
- Equipment and operation of railroads.
 People ex rel. Cantrell *v.* St. Louis, A. & T. H. R. Co. (Ill.), vol. 12, p. 227.
- Maintenance of terminals.
 Sherwood *v.* Atlantic & D. R. Co. (Va.), vol. 6, p. 670.
- Mandamus to compel carrier to grant equal facilities.
 State ex rel. Cumberland, T. & T. Co. *v.* Tex. & P. Ry. Co. (La.), vol. 18, p. 399.
- Mandamus to compel carrier to perform public duties.
 State ex rel. Cumberland, T. & T. Co. *v.* Texas & P. Ry. Co. (La.), vol. 18, p. 399.
- Mandamus to compel street railways to pave.
 City of Lansing *v.* Lansing, etc., Ry. Co. (Mich.), vol. 5, p. 719.
- Mandamus to terminal company to compel observance of regulation of railroad commissioners.
 State ex rel. Lamar, Atty. Gen., *v.* Jacksonville Term. Co. (Fla.), vol. 16, p. 727.
- Mandamus will lie at the instance of an abutting owner to compel a street railway to operate its line.
 State ex rel. Grinsfelder *v.* Spokane St. Ry. Co. (Wash.), vol. 11, p. 62.
- Nature of trial of question as to granting application by abutting owner for mandamus to compel operation of street railway line.
 State ex rel. Grinsfelder *v.* Spokane St. Ry. Co. (Wash.), vol. 11, p. 62.
- Operation of separate passenger train.
 People ex rel. Cantrell *v.* St. Louis, A. & T. H. R. Co. (Ill.), vol. 12, p. 227.

MANDAMUS—Continued.

- Parties in mandamus proceedings to compel lessee of railroad to remove obstruction in street.
 People *v.* Northern Cent. Ry. Co. (N. Y.), vol. 21, p. 192.
- Proper remedy to compel restoration of highway by railroad.
 People *v.* Northern Cent. Ry. Co. (N. Y.), vol. 21, p. 192.
- Relators.
 State ex rel. Lamar, Atty. Gen., *v.* Jacksonville Term. Co. (Ala.), vol. 16, p. 727.
- Sufficiency of allegation of petition for writ of mandamus.
 People *v.* N. Y. Cent., etc., R. Co. (N. Y.), vol. 23, p. 175.
- To railroad to compel removal of obstruction, sufficiency of affidavit under N. Y. statute.
 People *v.* Northern Cent. Ry. Co. (N. Y.), vol. 21, p. 192.
- Trial of application for mandamus to compel operation of street railway line is that of an action at law.
 State ex rel. Grinsfelder *v.* Spokane St. Ry. Co. (Wash.), vol. 11, p. 62.
- Where damages would not afford adequate relief.
 People *v.* N. Y. Cent., etc., R. Co. (N. Y.), vol. 23, p. 175.
- Whether a railroad company may be forced to operate a passenger instead of a mixed train by mandamus.
 People *v.* St. Louis, etc., R. Co. (Ill.), vol. 6, p. 241.

MANHOOD.

See Children.

MARKET REPORTS.

See Damages.

MARRIED WOMEN.

See Husband and Wife.

- Recovery of damages by.
 Tex. & P. Ry. Co. *v.* Humble (C. C. A.), vol. 17, p. 83.

MASTER AND SERVANT.

See Assaults.
Baggage.
Brakemen.
Carriers of Passengers.
Conflict of Laws.
Constitutional Law.
Contributory Negligence.

- MASTER AND SERVANT— MASTER AND SERVANT—**
Continued.
- See Coupling Cars.*
Damages.
Electric Railroads.
Employees' Liability Acts.
Evidence.
Exemplary Damages.
Fellow Servants.
Fences.
Foreign Cars.
Garnishment.
Imputable Negligence.
Leases and Running Powers.
Pleading.
Private Railroads.
Release.
Relief Departments.
Sleeping Car Companies.
Trespassers.
Witnesses.
- Absence of dead woods must be proximate cause of injury to brakeman coupling cars.
Hannigan v. Lehigh & H. R. Ry. Co. (N. Y.), vol. 12, p. 605.
- Absence of evidence of negligence or contributory negligence in action for death of employee crossing track.
Elliott v. Western & A. R. Co. (Ga.), vol. 21, p. 889.
- Action for injury to employee, transitory.
Norfolk, etc., R. Co. v. Ampey (Va.), vol. 5, p. 706.
- Admissibility of evidence as to defect in track, in action for injury to employee.
Lake Erie & W. R. Co. v. Wilson (Ill.), vol. 20, p. 164.
- Alabama statute allowing in action by master as if he were a stranger.
Louisville & N. H. R. Co. v. Graham (Ala.), vol. 3, p. 433.
- Appliances.**
- Absence of proper appliances, question for jury.
Wright v. Southern Ry. Co. (N. Car.), vol. 20, p. 157.
- Appliances that are ordinarily or generally used are all that a master is required to furnish.
Shadford v. Ann Arbor St. Ry. Co. (Mich.), vol. 6, p. 584.
- Best appliances.
Shadford v. Ann Arbor St. Ry. Co. (Mich.), vol. 6, p. 584.
- Care required in furnishing appliances.
Benson v. N. Y., N. H. & H. R. Co. (R. I.), vol. 22, p. 299.
- Care required of master as to appliances.
Baldwin v. Atlantic City R. Co. (N. J.), vol. 17, p. 486.
- Care to be exercised by master as to roadbed, machinery and appliances.
Chicago, B. & O. R. Co. v. Oyster (Neb.), vol. 12, p. 656.
- Direction of verdict for defendant where evidence that unblocked frogs are not unsafe.
Kilpatrick v. Choctaw, etc., R. Co. (Ind. Ter.), vol. 23, p. 244.
- Duty of company to use self-couplers.
Greenlee v. Southern Ry. Co. (N. Car.), vol. 11, p. 45.
- Duty of master.
Chesapeake & O. R. Co. v. Lash (Va.), vol. 3, p. 569.
Creswell v. Wilmington & N. R. Co. (Del.), vol. 14, p. 625.
Seldomridge v. C. & O. Ry. Co. (W. Va.), vol. 14, p. 639.
- Duty of master as to appliances.
Bland v. Shreveport Belt Ry. Co. (La.), vol. 4, p. 349.
- Duty of master to furnish safe appliances.
Gaulden v. Kansas City S. Ry. Co. (La.), vol. 23, p. 909.
Norfolk, etc., R. Co. v. Ampey (Va.), vol. 5, pp. 706, 707.
- Duty to ballast switch tracks.
Lake Erie & W. R. Co. v. Morrissey (Ill.), vol. 12, p. 624.
- Duty to furnish safe tools and appliances.
Kent v. Yazoo & M. V. R. Co. (Miss.), vol. 21, p. 332.

MASTER AND SERVANT—MASTER AND SERVANT—

Continued.

Failure to furnish automatic car-couplers is negligence per se.

Troxler v. Southern Ry. Co. (N. Car.), vol. 14, p. 711.

Fences, where a statute requires railway companies to erect fences on their rights of way through all enclosed lands or lots, it does not render such companies liable for injuries done to employees consequent upon failure to fence, but only for damages done to stock.

Carper v. Receivers of Norfolk & W. R. Co. (C. C. A.), vol. 7, p. 95.

Hand-bar not machinery within meaning of employers' liability act.

Clements v. Ala. Great Southern R. Co. (Ala.), vol. 19, p. 266.

Injury to brakeman, sufficiency of allegation of negligence as to furnishing air brakes.

Crandall v. Great Northern Ry. Co. (Minn.), vol. 21, p. 388.

Liability of master for defects.

Clements v. Alabama Great Southern R. Co. (Ala.), vol. 19, p. 266.

Master liable for neglect of agent as to appliances.

New York, N. H. & H. R. Co. v. O'Leary (C. C. A.), vol. 14, p. 718.

Master not insurer of safety of appliance.

Crouse v. Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 780.

Master not liable for injuries received by servant through defects in appliances substituted by fellow servant in place of safe and suitable appliance furnished by master.

Campbell v. New Jersey Dry Dock & Transp. Co. (N. J.), vol. 11, p. 12.

Negligence in furnishing appliances not chargeable to fellow servant.

Troxler v. Southern Ry. Co. (N. Car.), vol. 14, p. 711.

Continued.

Negligence of employee intrusted with superintendence in using improper appliances.

Louisville & N. R. Co. v. Jones (Ala.), vol. 23, p. 224.

Proper appliances, tests of what are in action for injury to employee.

Louisville & N. R. Co. v. Jones (Ala.), vol. 23, p. 224.

Tools and machinery.

Gulf, C. & S. F. R. Co. v. Kelly (Tex. Civ. App.), vol. 3, p. 439.

Use by several companies not sufficient test of what are proper appliances.

Louisville & N. R. Co. v. Jones (Ala.), vol. 23, p. 224.

Whether master is negligent in using equipment in general use is question for jury.

Indiana, I. & I. R. Co. v. Bundy (Ind.), vol. 14, p. 660.

Assault on trespasser, question for jury whether its commencement was on car, and therefore in brakeman's line of employment.

Girvin v. N. Y. Cent. & H. R. Co. (N. Y.), vol. 20, p. 547.

Assumption of Risk.

Alabama G. S. R. Co. v. Carroll (C. C. A.), vol. 9, p. 759.

Cleveland, etc., Ry. Co. v. Kernochan (Ohio), vol. 7, p. 774.

Chicago, etc., R. Co. v. McGinnis (Neb.), vol. 7, p. 774.

Chicago, R. I. & P. R. Co. v. McCarty (Neb.), vol. 5, p. 507.

Chicago, etc., Ry. Co. v. Soderburg (Neb.), vol. 8, p. 761.

Durand v. N. Y. & L. B. R. Co. (N. J.), vol. 21, p. 208.

Huffman v. Mich. Cent. R. Co. (Mich.), vol. 5, p. 542.

McGhee v. Bell (Ky.), vol. 9, p. 345.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

- Missouri, etc., R. Co. v. Spellman (Tex.), vol. 3, p. 438.
- Narramore v. Cleveland, C. & St. L. Ry. Co. (C. C. A.), vol. 17, p. 502.
- Oliver v. Ohio River R. Co. (W. Va.), vol. 6, p. 783.
- Reese v. Wheeling, etc., R. Co. (W. Va.), vol. 6, p. 783.
- Rittenhouse v. Wilmington St. Ry. Co. (N. Car.), vol. 6, p. 783.
- Southern Kan. Ry. Co. v. Michaels (Kan.), vol. 8, p. 761.
- Stockwell v. Chicago & N. W. Ry. Co. (Iowa), vol. 12, p. 575.
- Texas Central Ry. Co. v. Lyons (Tex. Civ. App.), vol. 3, p. 316.
- Williams v. Delaware, L. & W. R. Co. (N. Y.), vol. 10, p. 147.
- Winkler v. St. Louis Basket, etc., Co. (Mo.), vol. 7, p. 774.
- Worlds v. Georgia R. Co. (Ga.), vol. 5, p. 514.
- Absence of headlights on backing engine.
- Southern Pac. Co. v. Yeargin (C. C. A.), vol. 22, p. 459.
- Absence of knowledge of negligence.
- O'Neill v. Chicago, etc., R. Co. (Neb.), vol. 22, p. 578.
- Assumption by servant of risk from defective appliances.
- Louisville & N. R. Co. v. Cooley (Ky.), vol. 12, p. 553.
- Assumption by servant of risk from defective appliances, questions for jury.
- Cameron v. Great Northern Ry. Co. (N. Dak.), vol. 12, p. 520.
- Assumption of risk from obstructions.
- Erslew v. New Orleans & N. E. R. Co. (La.), vol. 6, p. 436.
- Assumption of risk must be pleaded and proven.
- Walker v. McNeill (Wash.), vol. 11, p. 738.

Continued.

- Assumption of risk of fellow servant's negligence.
- O'Neill v. Great Northern Ry. Co. (Minn.), vol. 17, p. 415.
- Assumption of risk of injury from chute near track.
- Phelps v. Chicago & W. M. Ry. Co. (Mich.), vol. 16, p. 302.
- Assumption of risk of injury from cinders in yard.
- Louisville & N. R. Co. v. Vestal (Ky.), vol. 12, p. 633.
- Brakeman.
- Texas Central Railway Co. v. Frazier (Tex.), vol. 3, p. 381.
- Young v. W. Va., C. & P. Ry. Co. (W. Va.), vol. 4, p. 134.
- Brakeman's assumption of risk.
- Boyd v. Harris (Pa.), vol. 4, p. 472.
- Young v. W. Va., C. & P. Ry. Co. (W. Va.), vol. 4, p. 134.
- Brakeman continuing to work with knowledge of defective rails.
- Arnold v. Louisville & N. R. Co. (Ky.), vol. 19, p. 272.
- Brakeman does not, as matter of law, assume risk from defects on coupling mechanism of cars by merely attempting to couple them with knowledge of defect.
- Youngblood v. S. Car. & G. R. Co. (S. Car.), vol. 20, p. 622.
- Brakeman injured by hook on rear of tender the presence of which he was chargeable with notice.
- Crawford v. Detroit, etc., R. Co. (Mich.), vol. 22, p. 42.
- Brakeman knowing that culverts are uncovered assumes risk of injury therefrom.
- West v. Southern Pac. Co. (C. C. A.), vol. 11, p. 447.
- Brakeman not chargeable with notice that track is unsafe.
- Ill. Cent. R. Co. v. Sanders (Ill.), vol. 11, p. 861.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

Burden of proof.

Burnham *v.* Concord & M.
R. R. (N. H.), vol. 16, p.
320.

Care required of master as to machinery.

Konold *v.* Rio Grande W.
Ry. Co. (Utah), vol. 17,
p. 450.

Carrying ties.

Lee *v.* Chesapeake, etc., R.
Co. (Ky.), vol. 6, p. 783.

Cattle guards are among assumed risks of railway employment.

Fuller *v.* Lake Shore & M.
S. R. Co. (Mich.), vol. 3,
p. 589.

Choosing dangerous method of working.

Gaulden *v.* Kansas City S.
Ry. Co. (La.), vol. 23, p.
909.

Chute near track.

Phelps *v.* Chicago & W. M.
Ry. Co. (Mich.), vol. 16,
p. 302.

Coal bin near track.

Pahlan *v.* Detroit, G. H.
& M. Ry. Co. (Mich.),
vol. 16, p. 309.

Coal shed causing injury to brakeman on car ladder.

Chicago & A. R. Co. *v.*
Stevens (Ill.), vol. 20, p.
182.

Collision of hand cars.

Alabama Mineral R. Co. *v.*
Jones (Ala.), vol. 8, p. 383.

Collision of trains of different roads at a crossing.

Chicago, K. & W. R. Co. *v.*
Ransom (Kan.), vol. 3,
p. 259.

Conductor does not assume risk of defective roadbed.

Chicago G. W. Ry. Co. *v.*
Price (C. C. A.), vol. 16,
p. 324.

Conductor of street car having knowledge that cars were not provided with life guards.

Denver Tramway Co. *v.*
Nesbit (Colo.), vol. 4, p.
605.

Constitutional provision that knowledge of defective machinery shall not prevent recovery by employees.
Ill. Cent. R. Co. *v.* Ihlenberg (C. C. A.), vol. 5, p. 573.

Continued.

Couplers on foreign cars.

Chicago, etc., R. Co. *v.*
Curtis (Neb.), vol. 8, p.
762.

Coupling appliances, question for jury.

Youngblood *v.* South Caro-
lina & G. R. Co. (S.
Car.), vol. 20, p. 622.

Coupling cars.

Hodges *v.* Kimball (C. C.
A.), vol. 19, p. 755.

So. Ry. Co. *v.* Arnold
(Ala.), vol. 11, p. 864.

Danger from cattle chute near track.

Keist *v.* Chicago G. W. Ry.
Co. (Iowa), vol. 16, p. 297.

Danger not apparent and against which servant has not been warned.

Daly *v.* Kiel (La.), vol. 22,
p. 320.

Danger to brakeman from pile of stones near track was not sufficiently obvious.

Donahue *v.* Boston & M.
R. R. (Mass.), vol. 20,
p. 526.

Dangerous premises.

Middle Ga. & A. Ry. Co. *v.*
Barnett (Ga.), vol. 12,
p. 532.

Defect in machinery, instructions.

Youngblood *v.* S. Car. &
G. R. Co. (S. Car.), vol.
20, p. 622.

Defect in track.

Lake Erie & W. R. Co. *v.*
Wilson (Ill.), vol. 20, p.
164.

Defective appliances.

Box *v.* Chicago, R. I. & P.
Ry. Co. (Iowa), vol. 16,
p. 527.

Bussey *v.* Charleston & W.
C. Ry. Co. (S. Car.),
vol. 11, p. 474.

Creswell *v.* Wilmington &
N. R. Co. (Del.), vol.
14, p. 625.

Ford *v.* Chicago, R. I. &
P. Ry. Co. (Iowa), vol.
11, p. 489.

Fordyce *v.* Edwards
(Ark.), vol. 11, p. 521.

New York, N. H. & H. R.
Co. *v.* O'Leary (C. C.
A.), vol. 14, p. 718.

Pennsylvania Co. *v.*
Ebaugh (Ind.), vol. 14,
p. 701.

- MASTER AND SERVANT—**
Continued.
- Pitts v. Florida Cent., etc.,
R. Co. (Ga.), vol. 8, p. 762.
 - Quinn v. Chicago, R. I.
& P. Ry. Co. (Iowa), vol.
12, p. 512.
 - Seldomridge v. C. & O.
Ry. Co. (W. Va.), vol.
14, p. 639.
 - Thompson v. Missouri Pac.
Ry. Co. (Neb.), vol. 8,
p. 762.
 - Union Stock-Yards Co. v.
Goodwin (Neb.), vol. 12,
p. 503.
 - Western & A. R. Co. v.
Bradford (Ga.), vol. 21,
p. 298.
 - Defective appliances, question
for jury.
 - Cameron v. Great Northern
Ry. Co. (N. Dak.), vol.
12, p. 520.
 - Defective crossing.
 - Fluhrer v. Lake Shore &
M. S. Ry. Co. (Mich.),
vol. 17, p. 463.
 - Defective roadbed, where
trainman is not chargeable
with notice.
 - Wilkie v. Raleigh & C. F.
R. Co. (N. Car.), vol.
19, p. 295.
 - Doctrine of, rendered inap-
plicable by statute.
 - Coley v. North Carolina
R. Co. (N. Car.), vol. 21,
p. 891.
 - Effect of constitutional provi-
sion that servant's knowl-
edge of defect in appliance
used by him and causing
his injury, shall be no de-
fense in action for such in-
jury.
 - Youngblood v. South Caro-
lina & G. R. Co. (S.
Car.), vol. 20, p. 622.
 - Effect of injured brakeman's
knowledge of defect in sta-
tion yard.
 - Hurst v. Kansas City, P.
& G. R. Co. (Mo.), vol.
21, p. 899.
 - Employee not bound to know
later defects.
 - Bland v. Shreveport Belt
Ry. Co. (La.), vol. 4, p.
349.
 - Employee struck by car
standing on parallel track.
 - Content v. N. Y., N. H. &
H. Ry. Co. (Mass.), vol.
3, p. 369.
- MASTER AND SERVANT—**
Continued.
- Employers' liability acts as
affecting.
 - Louisville, N. A. & C. Ry.
Co. v. Wagner (Ind.),
vol. 14, p. 706.
 - Pittsburg, C., C. & St. L.
Ry. Co. v. Moore (Ind.),
vol. 14, p. 678.
 - Excavations.
 - Bradley v. Chicago, M. &
St. P. R. Co. (Mo.),
vol. 8, p. 728.
 - Larsson v. McClure (Wis.),
vol. 8, p. 763.
 - Existence of danger not
known to plaintiff.
 - Hollonbeck v. Missouri
Pac. Ry. Co. (Mo.), vol.
3, p. 350.
 - Failure to provide station,
assumption of risk by em-
ployee.
 - Chaddick v. Lindsay
(Okla.), vol. 8, p. 755.
 - Failure to signal to engineer
to notice danger.
 - Houston & T. C. R. Co. v.
Kelly (Tex. Civ. App.),
vol. 3, p. 444.
 - Foreign cars.
 - Union Stock-Yards Co. v.
Goodwin (Neb.), vol.
12, p. 502.
 - From defective couplings.
 - Norfolk, etc., R. Co. v.
Ampey (Va.), vol. 5,
p. 707.
 - From falling embankment.
 - Reiter v. Winona & St. P.
R. Co. (Minn.), vol. 11,
p. 31.
 - From obstructions.
 - Erstew v. New Orleans &
N. E. R. Co. (La.), vol.
6, p. 436.
 - From overhead structures.
 - Gusman v. Caffery Cent.
Refinery & Railroad Co.,
Limited (La.), vol. 8,
p. 463.
 - Handling defective cars.
 - C. & O. R. Co. v. Hennessey
(C. C. A.), vol. 16, p. 515.
 - Improper placing of bridge
not a risk assumed by serv-
ant.
 - Hardy v. Boston & M. R.
R. (N. H.), vol. 12, p.
565.
 - Incompetency or negligence
of fellow servant.
 - Hicks v. Southern Ry. Co.
(S. Car.), vol. 21, p. 217.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

Injuries to employee on track.
McPeck v. Central Vt. R. Co. (C. C. A.), vol. 9, p. 828.

Injury from cattle getting on fenced track.

Houston & T. C. R. Co. v. Quill (Tex.), vol. 12, p. 736.

Injury from insufficient train crew.

Creswell v. Wilmington & N. R. Co. (Del.), vol. 14, p. 625.

Injury to brakeman, defect in station yard.

Hurst v. Kansas City, P. & G. R. Co. (Mo.), vol. 21, p. 899.

Instructions as to assumption of risk from defective machinery.

Youngblood v. S. Car. & G. R. Co. (S. Car.), vol. 20, p. 622.

Instruction as to duty of furnishing safe cars properly refused as having no limitation as to place where like cars were used.

Benson v. N. Y., N. H. & H. R. Co. (R. I.), vol. 22, p. 299.

Instruction as to when employee was chargeable with knowledge of defect in switch target.

Durand v. N. Y. & L. B. R. Co. (N. J.), vol. 21, p. 208.

Instruction in action for death of employee that recovery may be had if death resulted from defective appliance should present defenses of contributory negligence and waiver.

Ford v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 11, p. 489.

Instruction must not ignore defense of.

Quinn v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 12, p. 512.

Instruction that servant having knowledge of defects in appliance assumes risk therefrom, and instruction that it is master's duty to see that the appliances are

Continued.

safe and suitable are not inconsistent.

Bussey v. Charleston & W. C. Ry. Co. (S. Car.), vol. 11, p. 474.

Insufficient space between tracks.

Voorhees v. Lake Shore & M. S. Ry. Co. (Pa.), vol. 16, p. 316.

Insufficient yard force.

Young v. Syracuse, B. & N. Y. R. Co. (N. Y.), vol. 21, p. 11.

Knowledge by servant of one of two concurring causes of injury.

St. Louis & S. W. R. Co. v. Threat (Tex.), vol. 3, p. 358.

Knowledge of defect.

Pierce v. Camden, etc., R. Co. (N. J.), vol. 5, p. 548.

Knowledge of defect in appliance.

Bodie v. Charleston, etc., Ry. Co. (S. Car.), vol. 22, p. 818.

Knowledge of defects in equipments.

Southern Pac. Co. v. Yeargin (C. C. A.), vol. 22, p. 459.

Knowledge of defective track.

Lawhorn v. Millen, etc., R. Co. (Ga.), vol. 5, p. 551.

Loading cars.

Southern Ry. Co. v. Mauzy (Va.), vol. 20, p. 647.

Loading lumber on car.

Bryan v. Southern Ry. Co. (N. Car.), vol. 21, p. 542.

Low bridge.

Hardy v. Boston & M. R. R. (N. H.), vol. 12, p. 565.

Myers v. Chicago, St. P., M. & O. Ry. Co. (C. C. A.), vol. 14, p. 749.

Making incision in steel beam by "chipping" instead of "blocking."

Smith v. Wilmington & W. R. Co. (N. Car.), vol. 23, p. 467.

Meeting of drawheads.

Hannigan v. Lehigh & H. R. Ry. Co. (N. Y.), vol. 12, p. 605.

- MASTER AND SERVANT—**
Continued.
- Mismatched couplings.
 McDonald *v.* Norfolk & W.
 R. Co. (Va.), vol. 8, p.
 552.
 - Modification of instruction.
 Chicago, etc., Ry. Co. *v.*
 Kinnare (Ill.), vol. 21,
 p. 328.
 - Negligence of fellow servant
 in inspection of cars.
 C. & O. R. Co. *v.* Hennes-
 sey (C. C. A.), vol. 16,
 p. 515.
 - Negligence of fellow servant
 is a risk assumed.
 O'Neill *v.* Great Northern
 Ry. Co. (Minn.), vol. 17,
 p. 415.
 - Negligence of foreman in
 loading hand car.
 Ward *v.* Louisville & N.
 R. Co. (Ky.), vol. 23, p.
 462.
 - Notice of defect.
 Brown *v.* Chicago, R. I. &
 P. Ry. Co. (Kan.), vol.
 11, p. 408.
 - Obeysing order to arrest tres-
 passer, by employee acting
 outside scope of employ-
 ment.
 Chicago, etc., Ry. Co. *v.*
 Kinnare (Ill.), vol. 21,
 p. 328.
 - Obstructions near track.
 Crandall *v.* N. Y., etc., R.
 Co. (R. I.), vol. 5, p.
 543.
 - Whipple *v.* N. Y., etc., R.
 Co. (R. I.), vol. 5, p.
 517.
 - Obstruction on track.
 Galveston, H. & H. R. Co.
v. Bohan (Tex.), vol. 12,
 p. 490.
 - Ordinary dangers.
 Pennsylvania Co. *v.*
 Ebaugh (Ind.), vol. 14, p.
 701.
 - Ordinary perils.
 Missouri Pac. Ry. Co. *v.*
 Lyons (Neb.), vol. 12,
 p. 610.
 - Patent defects.
 Seldomridge *v.* Chesapeake
 & O. Ry. Co. (W. Va.),
 vol. 14, p. 639.
 - Pleading absence of, in ac-
 tion for injury from de-
 fective appliance sustained
 in sister state, where it is
 not shown that common law
 prevails therein.
 Charleston & W. C. Ry. Co.
v. Miller (Ga.), vol. 21,
 p. 339.
 - Pole falling on lineman.
 Bland *v.* Shreveport Belt-
 Ry. Co. (La.), vol. 4, p.
 349.
 - Proximity of bridge.
 Hughes *v.* Louisville & N.
 R. Co. (Ky.), vol. 12,
 p. 560.
 - Question for jury.
 Youngblood *v.* S. Car. &
 G. R. Co. (S. Car.), vol.
 20, p. 622.
 - Question whether a defect
 was so obvious as to render
 servant chargeable with
 notice is one for jury where
 evidence is conflicting.
 Valley Ry. Co. *v.* Keegan
 (C. C. A.), vol. 11, p. 507.
 - Question whether employee
 had knowledge of defect one
 for jury.
 Judd *v.* C. & O. Ry. Co.
 (Ky.), vol. 11, p. 517.
 - Question whether employee
 should have discovered de-
 fect in engine, one for
 jury.
 Fordyce *v.* Edwards
 (Ark.), vol. 11, p. 521.
 - Railroad employee injured
 while boarding a car which
 was moving round on a turn
 table, assumes the risk,
 whether he is injured
 through his own want of
 ordinary care or the act of
 a fellow servant.
 St. Louis, I. M. & S. Ry.
 Co. *v.* Ferguson (Kan.),
 vol. 10, p. 634.
 - Risks assumed.
 St. Louis, I. M. & S. Ry.
 Co. *v.* Tuohey (Ark.),
 vol. 16, p. 453.
 - Risks assumed need not be
 specified in charging jury.
 Augusta Southern R. Co.
v. McDade (Ga.), vol.
 12, p. 548.
 - Risk from failure to comply
 with ordinance regulating
 the running of trains is not
 assumed by track repairer.
 Baltimore, etc., Ry. Co. *v.*
 Peterson (Ind.), vol. 20,
 p. 887.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

Risk not ordinarily incident to employment.

Bonnet *v.* Galveston, H. & S. A. R. Co. (Tex.), vol. 3, p. 437.

Risk of drawheads meeting, assumed.

Hannigan *v.* Lehigh & H. R. Ry. Co. (N. Y.), vol. 12, p. 605.

Risk of injury from overhead bridge not assumed by servant.

Louisville & N. R. Co. *v.* Cooley (Ky.), vol. 12, p. 553.

Risk of injury from unblocked rail assumed where servant is chargeable with notice.

Wabash R. Co. *v.* Ray (Ind.), vol. 12, p. 593.

Risk of obstruction on track not assumed by servant.

Galveston, H. & H. R. Co. *v.* Bohan (Tex.), vol. 12, p. 492.

Section man.

Hinz *v.* Chicago, B. & N. R. Co. (Wis.), vol. 3, p. 611.

Servant coupling cars in yard does not assume risk of injury from ashes on track.

Louisville & N. R. Co. *v.* Vestal (Ky.), vol. 12, p. 633.

Servant does not assume risk of injury by failing to examine repairs made at his instance.

Quimby *v.* Boston & M. R. R. (N. H.), vol. 12, p. 517.

Servant does not assume risk of injury from bridge in dangerous proximity to track.

Hughes *v.* Louisville & N. R. Co. (Ky.), vol. 12, p. 560.

Servant does not assume risk of injury from failure to inspect car.

St. Louis, I. M. & S. Ry. Co. *v.* Brown (Ark.), vol. 16, p. 440.

Servant injured while shoveling coal by fall of coal.

Casey *v.* Grand Trunk Ry. Co. (N. H.), vol. 16, p. 361.

Continued.

Servant's knowledge of danger, a question for jury.

Indiana, I. & I. R. Co. *v.* Bundy (Ind.), vol. 14, p. 660.

Servant not chargeable as a matter of law with notice of defect in track in a yard a mile long and having twenty-two tracks.

Valley Ry. Co. *v.* Keegan (C. C. A.), vol. 11, p. 507.

Servant not chargeable with notice does not assume risk of injury from unballasted switch.

Lake Erie & W. R. Co. *v.* Morrissey (Ill.), vol. 12, p. 624.

Servant obeying a command which orders him into obvious danger assumes the risk.

Whatley *v.* Macon & N. Ry. Co. (Ga.), vol. 11, p. 425.

Servant sitting on top of freight car with feet hanging over assumes risk of collision with mail crane where rate of speed of train causes car to oscillate.

Louisville & N. R. Co. *v.* Milliken (Ky.), vol. 14, p. 742.

Servant tearing down wall does not assume risk of injury from falling thereof.

Wolf *v.* Great Northern Ry. Co. (Minn.), vol. 12, p. 619.

Servant who is chargeable with notice of defect assumes risk of injury therefrom.

Walker *v.* Atlanta & W. P. R. Co. (Ga.), vol. 11, p. 498.

Slippery condition of car to be loaded with ice.

Baker *v.* Louisville & N. Terminal Co. (Tenn.), vol. 20, p. 946.

Sufficiency of evidence.

Walker *v.* McNeill (Wash.), vol. 11, p. 738.

Sufficiency of evidence of servant's protest against exposure to danger in action for his injury while com-

MASTER AND SERVANT— MASTER AND SERVANT—
Continued. Continued.

Continued.

pelled to ride on footboard
of engine.

Yerkes v. Northern Pac.
Ry. Co. (Wis.), vol. 23,
p. 642.

Switchman.

Wright v. Southern Pac.
Co. (Utah), vol. 5, p.
560.

Switch stand near track.

Southern Kan. Ry. Co.
v. Michaels (Kan.), vol.
8, p. 761.

S. Car. Const., art. 9, § 115, providing that assumption of risks by employee cannot be set up applicable to action by section master for personal injuries from failure of company to furnish sufficient number of persons to perform work.

Bodie v. Charleston, etc.,
Ry. Co. (S. Car.), vol.
22, p. 818.

Telegraph poles near track.
Potter v. Detroit, G. H. &
M. Ry. Co. (Mich.), vol.
16, p. 264.

Tower-man not chargeable
with notice of defective
condition of track near
tower.

Lake Shore & M. S. Ry.
Co. v. Conway (Ill.), vol.
11, p. 7.

Unballasted track.

Louisville & N. R. Co. v.
Bowcock (Ky.), vol. 17,
p. 421.

Unblocked frogs.

Gillin v. Patten & S. R.
Co. (Me.), vol. 16, p.
508.

Under employers' liability
act of North Carolina.

Coley v. North Carolina R.
Co. (N. Car.), vol. 23, p.
885.

Using appliance after knowledge of defect.

McGhee v. Bell (Ky.), vol.
11, p. 519.

Voluntary assumption of dangerous risk.

Rittenhouse v. Wilmington
St. Ry. Co. (N. Car.),
vol. 6, p. 783.

What must appear in order to authorize presumption that

Continued.

servant assumed risk of defective roadbed.

Valley Ry. Co. v. Keegan
(C. C. A.), vol. 11, p. 507.

What risks are assumed.

Slavens v. Northern Pac.
Ry. Co. (C. C. A.), vol.
16, p. 406.

Where an employee is injured by reason of a defect of the existence of which he is chargeable with notice, the master's liability is a question for the jury.

Walker v. Atlanta & W. P.
R. Co. (Ga.), vol. 11, p.
498.

Where contributory negligence of brakeman in board-in train, and negligence in failing to provide safe station yards.

Hurst v. Kansas City, P.
& G. R. Co. (Mo.), vol.
21, p. 899.

Where it is admitted that deceased knew that an appliance was defective, burden then is on plaintiff to show that his decedent was justified in running risk of injury from such defect. *Ford v. Chicago, R. I. & P. Ry. Co.* (Iowa), vol. 11, p. 489.

Where the proximate cause of the accident was the wholly unexpected straying of a horse upon defendant's track in a populous city, an order of such city prohibiting stock to be at large therein, defendant was not responsible for the death of its employee resulting therefrom, deceased as a railroad employee having assumed the risk of such accidents.

Bowes v. Hopkins (C. C. A.), vol. 9, p. 641.

Whether employee assumed risk of defects in track of another company.

Story v. Concord & M. R.
R. (N. H.), vol. 20, p. 91.

Whether servant assumes risk of telegraph poles near track is for jury.

Potter v. Detroit, G. H.
& M. Ry. Co. (Mich.),
vol. 16, p. 264.

- MASTER AND SERVANT—**
Continued.
- Working in dangerous place.
 Seldomridge *v.* C. & O. Ry.
 Co. (W. Va.), vol. 14, p.
 639.
- Working on repair train.
 Wilson *v.* Louisiana & N.
 W. R. Co. (La.), vol.
 14, p. 648.
- Working with knowledge of
 defect in appliances.
 Gaulden *v.* Kansas City
 S. Ry. Co. (La.), vol. 23,
 p. 909.
- Authority of conductor to em-
 ploy physician.
 Adams *v.* Southern Ry. Co.
 (N. Car.), vol. 16, p. 369.
- Authority of general superin-
 tendent to make contract of
 employment for railroad
 company.
 Sax *v.* Detroit, etc., Ry. Co.
 (Mich.), vol. 20, p. 653.
- Authority of servant to protect
 master's property.
 Welsh *v.* West Jersey & S.
 R. Co. (N. J.), vol. 15, p.
 674.
- Authority of station agent to
 hire assistants.
 Lipscomb *v.* Houston & T.
 C. Ry. Co. (Tex.), vol.
 23, p. 401.
- Blacklisting.**
 Clearance cards, judicial
 notice of.
 McDonald *v.* Ill. Cent. R.
 Co. (Ill.), vol. 20, p. 309.
- Sufficiency of declaration in
 action for.
 McDonald *v.* Illinois Cent.
 R. Co. (Ill.), vol. 20, p.
 309.
- Blocking frogs.**
 Hauss *v.* Lake Erie & W. R.
 Co. (C. C. A.), vol. 22, p.
 864.
- Brakeman killed by steel rail.**
 McCray *v.* Galveston, H. &
 S. A. R. Co. (Tex.), vol.
 3, p. 276.
- Breach of contract of employ-
 ment.**
 Sax *v.* Detroit, etc., Ry. Co.
 (Mich.), vol. 20, p. 653.
- Bridges, failure to construct
 bridge so that employee can
 pass under while standing
 erect.**
 Louisville & N. R. Co. *v.*
 Cooley (Ky.), vol. 12, p.
 553.
- Bridges, failure to construct,
 so that servants standing on
 top of train can safely pass
 under, is negligence.**
 Louisville & N. R. Co. *v.*
 Cooley (Ky.), vol. 12, p. 553.
- Bridges, servant does not as-
 sume risk of injury from low
 bridge caused by improper
 height of bridge guard.**
 Hardy *v.* Boston & M. R.
 R. (N. H.), vol. 12, p. 565.
- Burden of proof as to absence
 of negligence.**
 Western & A. R. Co. *v.* Jack-
 son (Ga.), vol. 21, p. 296.
- Care due employee using tracks
 as passway.**
 Louisville & N. R. Co. *v.*
 Simpson (Ky.), vol. 23, p.
 592.
- Care due from master in em-
 ploying fellow servant.**
 Hicks *v.* Southern Ry. Co.
 (S. Car.), vol. 21, p. 217.
- Care due from master to em-
 ployee of private railroad.**
 Lynn *v.* Antrim Lumber Co.,
 Limited (La.), vol. 21, p.
 598.
- Care due in running train on
 unsafe track.**
 Wilson *v.* Louisiana & N. W.
 R. Co. (La.), vol. 14, p.
 648.
- Care due in starting trains.**
 Wilson *v.* Louisiana & N. W.
 R. Co. (La.), vol. 14, p. 648.
- Care required of master as to
 condition of yard tracks.**
 Louisville & N. R. Co. *v.*
 Ross (Ky.), vol. 17, p. 432.
- Care required of master as to
 custody of explosives.**
 Rush *v.* Spokane Falls & N.
 Ry. Co. (Wash.), vol. 20, p.
 285.
- Care required of railroad to-
 wards servants.**
 McGeary *v.* Old Colony R.
 R. (R. I.), vol. 14, p.
 764.
- Care required of trainmen to
 avoid injuring employee
 alighting from, or boarding
 another train.**
 Wabash R. Co. *v.* Skiles
 (Ohio), vol. 21, p. 881.
- Cattle chutes near track, neg-
 ligence.**
 Keist *v.* Chicago G. W. Ry.
 Co. (Iowa), vol. 16, p. 297.

MASTER AND SERVANT—MASTER AND SERVANT—

Continued.

Cause of accident by which servant was injured, a question for jury.

Fluhrer *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 17, p. 463.

Collateral interest as to appointment of receiver in action for injury to employee.

Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.

Combination of causes, causing injury does not render master liable.

Creswell *v.* Wilmington & N. R. Co. (Del.), vol. 14, p. 625.

Complaint alleging that brakeman was injured through negligence of engineer and foreman states cause of action.

Southern Ry. Co. *v.* Arnold (Ala.), vol. 11, p. 864.

Concurring negligence of master and fellow servant.

Kansas City, Ft. S. & M. R. Co. *v.* Becker (Ark.), vol. 16, p. 348.

Pool *v.* Southern Pac. Co. (Utah), vol. 16, p. 551.

Constitutional law, contract of exemption from liability for negligence under South Carolina constitution.

Johnson *v.* Charleston & S. Ry. Co. (S. Car.), vol. 12, p. 761.

Construction of contract to employ injured employee.

Tenn. Coal, Iron & Railroad Co. *v.* Pierce (C. C. A.), vol. 8, p. 742.

Contract between railway and express company exempting former from liability for injury to express company's employee valid.

Blank *v.* Illinois Cent. R. Co. (Ill.), vol. 16, p. 6.

Contributory Negligence.

Chicago, etc., R. Co. *v.* McCarty (Neb.), vol. 5, p. 507.

Chicago, R. I. & P. Ry. Co. *v.* Cowles (Neb.), vol. 11, p. 33.

Cleveland, etc., R. Co. *v.* Kernochan (Ohio), vol. 7, p. 774.

Continued.

Conway *v.* Chicago, etc., Ry. Co. (Iowa), vol. 8, p. 755.

Denver, etc., R. Co. *v.* Smock (Colo.), vol. 7, p. 775.

Holt *v.* Chicago, etc., Ry. Co. (Wis.), vol. 7, p. 775.

Penn. R. Co. *v.* Snyder (Ohio), vol. 7, p. 775.

Southern Ry. Co. *v.* Baston (Ga.), vol. 8, p. 755.

Texas Central Ry. Co. *v.* Lyons (Tex.), vol. 3, p. 316.

Woodward Iron Co. *v.* Andrews (Ala.), vol. 8, p. 755.

Wright *v.* Southern Pac. Co. (Utah), vol. 5, p. 559.

Admissibility of evidence tending to show that deceased employee knew that coupling could not be made, where it is claimed that injury was caused either by engineer mistaking signal intended for another engineer, or by act of deceased giving signal for purpose of coupling cars.

Louisville & N. R. Co. *v.* York (Ala.), vol. 23, p. 470.

Alighting from moving train at command of superior.

Northern Pac. R. Co. *v.* Egeland (U. S.), vol. 4, p. 259.

Assumption of risk and contributory negligence under employers' liability act of North Carolina.

Coley *v.* North Carolina R. Co. (N. Car.), vol. 23, p. 885.

Boarding moving car.

Kilpatrick *v.* Grand Trunk Ry. Co. (Vt.), vol. 20, p. 300.

Boarding moving car in obedience to foreman's order is not contributory negligence per se on part of servant.

Chattanooga Elec. Ry. Co. *v.* Lawson (Tenn.), vol. 12, p. 669.

Book of rules as evidence in action for death of engineer in collision.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Martin (Ind.), vol. 23, p. 485.

- MASTER AND SERVANT—**
Continued.
- Brakeman choosing more dangerous method of drawing pin from between cars in motion.
 Morris v. Duluth, etc., Ry. Co. (C. C. A.), vol. 22, p. 45.
- Brakeman going between cars before seeing that signals were observed.
 Cambron v. Omaha, etc., R. Co. (Mo.), vol. 23, p. 634.
- Brakeman going between moving cars.
 O'Neill v. Chicago, etc., R. Co. (Neb.), vol. 22, p. 578.
- Brakeman injured while between cars by other cars bearing down upon him.
 Tibbs v. Ala., etc., R. Co. (Ala.), vol. 5, p. 458.
- Brakeman's knowledge of danger from obstruction near track, question for jury.
 Donahue v. Boston & M. R. R. (Mass.), vol. 20, p. 526.
- Brakeman raising his head while passing under a low bridge of which he knew is guilty of contributory negligence.
 Haffner v. Chesapeake & O. Ry. Co. (Va.), vol. 12, p. 556.
- Brakeman who fails to use ordinary care in coupling cars cannot recover for injuries.
 Southern Ry. Co. v. Arnold (Ala.), vol. 11, p. 864.
- Burden of proof in action for injury to employee.
 Chattanooga S. R. Co. v. Myers (Ga.), vol. 19, p. 776.
- Haltom v. Southern Ry. Co. (N. Car.), vol. 19, p. 776.
- Burden of proof in federal courts.
 Baltimore & O. R. Co. v. Burris (C. C. A.), vol. 23, p. 912.
- Burden of proving due care where employee is killed on track.
 Dyer v. Fitchburg R. Co. (Mass.), vol. 11, p. 473.
- MASTER AND SERVANT—**
Continued.
- Burden of proving its absence.
 Norfolk & W. Ry. Co. v. Cromer (Va.), vol. 23, p. 720.
- Care required of employee crossing track at station to board train.
 Wabash R. Co. v. Skiles (Ohio), vol. 21, p. 882.
- Care required of lineman injured by live wire.
 Jackson & S. St. R. R. v. Simmons (Tenn.), vol. 23, p. 236.
- Care required of track repairer in looking and listening for trains.
 Baltimore, etc., Ry. Co. v. Peterson (Ind.), vol. 20, p. 887.
- Care to be exercised by employee.
 Bradley v. Chicago, M. & St. P. Ry. Co. (Mo.), vol. 8, p. 728.
- Florida Cent. & P. R. Co. v. Mooney (Fla.), vol. 12, p. 722.
- Car inspector going under car, after dark, without notice.
 Alabama G. S. R. Co. v. Roach (Ala.), vol. 11, p. 869.
- Catching foot in switch.
 International & G. N. R. Co. v. Lee (Tex. Civ. App.), vol. 3, p. 441.
- Choosing a more dangerous method of coupling cars.
 Florida Cent. & P. R. Co. v. Mooney (Fla.), vol. 12, p. 722.
- Moore v. Kansas City, Ft. S. & M. Ry. Co. (Mo.), vol. 12, p. 580.
- Choosing a more dangerous method of discharging duty is evidence of.
 Carrier v. Union Pac. Ry. Co. (Kan.), vol. 17, p. 513.
- Moore v. Kansas City, Ft. S. & M. Ry. Co. (Mo.), vol. 12, p. 580.
- Morris v. Duluth, etc., Ry. Co. (C. C. A.), vol. 22, p. 45.
- Quirouet v. Alabama G. S. R. Co. (Ga.), vol. 18, p. 551.

MASTER AND SERVANT-- MASTER AND SERVANT--

Continued.

Company's neglect to perform statutory duty as to maintenance of ladders on side of car did not relieve injured employee from proving that his own negligence did not contribute to his injuries.

Kilpatrick *v.* Grand Trunk Ry. Co. (Vt.), vol. 20, p. 300.

Contributory negligence as defense to action under employers' liability act.

Southern Ry. Co. *v.* Harbin (Ga.), vol. 18, p. 692.

Contributory negligence in coupling cars.

Brown *v.* Louisville, H. & St. L. Ry. Co. (Ky.), vol. 23, p. 883.

Contributory negligence of servant choosing more hazardous way.

Beal *v.* Atchison, T. & S. F. Ry. Co. (Kan.), vol. 18, p. 751.

Contributory negligence of servant going between cars to make coupling in violation of rule.

Shorter *v.* Southern Ry. Co. (Ala.), vol. 18, p. 761.

Contributory negligence of servant in failing to guard against danger from overhead bridge.

Norfolk & W. R. Co. *v.* Marpole (Va.), vol. 16, p. 291.

Contributory negligence of servant selecting more hazardous way to perform duty.

Quirouet *v.* Alabama G. S. R. Co. (Ga.), vol. 18, p. 551.

Contributory negligence of servant using standard in mounting car.

Quirouet *v.* Alabama G. S. R. Co. (Ga.), vol. 18, p. 551.

Coupling cars by hand, evidence as to customs.

Louisville & N. R. Co. *v.* York (Ala.), vol. 23, p. 470.

Death of employee arising from dangerous premises.

Grimmelman *v.* Union Pac. Ry. Co. (Iowa), vol. 8, p. 321.

Continued.

Disregard of rules in coupling cars.

Hodges *v.* Kimball (C. C. A.), vol. 19, p. 755.

Doing act negligent per se is not excused by commands of superior.

Georgia *v.* Mobile, etc., R. Co. (Ala.), vol. 4, p. 257.

Due care in riding on foot-board of engine.

Yerkes *v.* Northern Pac. Ry. Co. (Wis.), vol. 23, p. 642.

Duty of brakeman to look out for fish chutes near main track.

Phelps *v.* Chicago & W. M. Ry. Co. (Mich.), vol. 20, p. 137.

Duty of employee loading timber on car to look and listen for other trains.

Freeman *v.* Ill. Cent. R. Co. (Tenn.), vol. 22, p. 49.

Duty of engineer killed by train running at high rate of speed to know whether ordinance regulating speed was habitually violated.

Pittsburgh, C., C. & St. L. Ry. Co. *v.* Martin (Ind.), vol. 23, p. 485.

Duty to look out for signals when switching cars.

Louisville & N. R. Co. *v.* Smith (Ala.), vol. 23, p. 218.

Effect of, where proximate cause of injury to employee.

Southern Ry. Co. *v.* Mauzy (Va.), vol. 20, p. 647.

Employee injured by telegraph pole near track.

Crandall *v.* New York, etc., R. Co. (R. I.), vol. 5, p. 543.

Whipple *v.* New York, etc., R. Co. (R. I.), vol. 5, p. 517.

Employee injured on track.

St. Jean *v.* Boston & M. R. Co. (Mass.), vol. 10, p. 444.

Employee killed by a train which he could have seen for a mile before it reached him.

Fisher *v.* Louisville, etc., Ry. Co. (Ind.), vol. 6, p. 782.

- MASTER AND SERVANT—**
Continued.
- Employee unable to see where he is walking while carrying a hand car.
 Terry v. Louisville, N. A. & C. R. Co. (Ind. App.), vol. 3, p. 442.
- Employee voluntarily placing himself in dangerous position.
 Atchison, T. & S. F. R. Co. v. Tindall (Kan.), vol. 6, p. 557.
- Employee walking in unlighted round house killed by falling in pit of which he knew.
 McDonnell v. Illinois Cent. Ry. Co. (Iowa), vol. 11, p. 534.
- Employee working in yard failing to inform fellow employees when about to enter or climb upon standing car.
 Lumpkin v. Southern Ry. Co. (Ga.), vol. 4, p. 458.
- Engineer using defective drain pipe on tender as handhold, question for jury.
 Coley v. North Carolina R. Co. (N. Car.), vol. 21, p. 891.
- Engineer violating rule prescribing the distance train in front shall be followed.
 Louisville & N. R. Co. v. Hiltner (Ky.), vol. 20, p. 579.
- Erroneous instruction as to contributory negligence of servant falling from foot-board of engine.
 Yerkes v. Northern Pac. Ry. Co. (Wis.), vol. 23, p. 642.
- Evidence as to whether duties of brakeman required him to be on top of car.
 Quinlan v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 385.
- Failure of brakeman to look-out for structures near main track is not.
 Phelps v. Chicago & W. M. Ry. Co. (Mich.), vol. 20, p. 137.
- MASTER AND SERVANT—**
Continued.
- Failure of engineer to comply with statutory requirement, cause of collision at intersection.
 Southern Ry. Co. v. Bryan (Ala.), vol. 19, p. 7.
- Failure of flagman to look for train and absence of look-out on rear of train.
 Coleman v. Pittsburg, C., C. & St. L. Ry. Co. (Ky.), vol. 21, p. 453.
- Failure of servant to discover defect in appliance when reasonable care would have enabled him to do so.
 Hannigan v. Lehigh & H. R. Ry. Co. (N. Y.), vol. 12, p. 605.
- Failure of servant to discover defect not patent is not contributory negligence.
 Leak v. Carolina Cent. R. Co. (N. Car.), vol. 14, p. 739.
- Failure of track repairer to look and listen for trains, question for jury.
 Baltimore, etc., Ry. Co. v. Peterson (Ind.), vol. 20, p. 887.
- Falling asleep on end of cross-tie.
 Stewart v. Southern Ry. Co. (N. Car.), vol. 21, p. 601.
- Fireman's going under engine without notifying engineer, contrary to established custom, is proximate cause of his injuries.
 Crane v. Chicago, etc., Ry. Co. (Wis.), vol. 5, p. 706.
- Going between rails to couple cars.
 Carrier v. Union Pac. Ry. Co. (Kan.), vol. 17, p. 513.
- Grasping handle of hand car with one hand.
 Alabama Mineral R. Co. v. Jones (Ala.), vol. 8, p. 384.
- In action for injury to conductor going on track without noticing signals.
 Baltimore & O. R. Co. v. Burris (C. C. A.), vol. 23, p. 912.

MASTER AND SERVANT—MASTER AND SERVANT—

Continued.

- Injuries resulting from obvious dangers.
Sours v. Great Northern Ry. Co. (Minn.), vol. 23, p. 457.
- Injury to employee by obstructions near track.
New York, C. & St. L. R. Co. v. Ostman (Ind.), vol. 6, p. 588.
- Injury to servant jumping from moving car to escape danger.
St. Louis, I. M. & S. Ry. Co. v. Tuohey (Ark.), vol. 16, p. 453.
- Injury to switchman.
Ferguson v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 8, p. 241.
- Instructions.
Central of Georgia Ry. Co. v. Perkerson (Ga.), vol. 21, p. 63.
Louisville & N. R. Co. v. Hiltner (Ky.), vol. 20, p. 279.
McCreery v. Ohio River R. Co. (W. Va.), vol. 20, p. 875.
Western & A. R. Co. v. Jackson (Ga.), vol. 21, p. 296.
- Instruction as to effect of violation of rules not rendered erroneous by omission of comma after word "not."
Jarvis v. Flint & P. M. R. Co. (Mich.), vol. 22, p. 312.
- Instruction in action for death of employee that plaintiff may recover if death was caused by defective appliance should present defenses of contributory negligence and waiver.
Ford v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 11, p. 489.
- Instructions on theory of sudden emergency properly refused.
Jackson & S. R. R. v. Simmons (Ala.), vol. 23, p. 236.
- Judicial notice that unblocked frog could have been seen by deceased brakeman.
Jones v. Flint & P. M. R. Co. (Mich.), vol. 21, p. 904.
- Jumping from train to avoid danger.
Cowen v. Ray (C. C. A.), vol. 21, p. 531.

Continued.

- Jumping on moving engine, question for jury.
Donahue v. Boston & M. R. R. (Mass.), vol. 20, p. 526.
- Killing of employee on track.
Foss v. Old Colony R. Co. (Mass.), vol. 11, p. 41.
- Knowledge of defect in track.
Citizens' St. R. Co. v. Sutton (Ind.), vol. 8, p. 772.
- Knowledge of defective appliances.
McGhee v. Bell (Ky.), vol. 9, p. 345.
Parker v. South Carolina & G. Ry. Co. (S. Car.), vol. 6, p. 731.
- Liability for injury to servant of another company caused by negligence in leaving switch open as affected by contributory negligence in being in dangerous position on engine.
Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.
- Master giving a servant a command requiring the doing of an act not within the servant's duty.
Chicago, etc., R. Co. v. McCarty (Neb.), vol. 5, p. 507.
- Must be proximate cause of injury.
Youngblood v. South Carolina & G. R. Co. (S. Car.), vol. 20, p. 622.
- Must be proximate cause to defeat recovery.
Youngblood v. South Carolina & G. R. Co. (S. Car.), vol. 20, p. 622.
- Negligence in failing to furnish derailing switch and contributory negligence of employee in running train at prohibited speed.
Norfolk & W. Ry. Co. v. Cromer (Va.), vol. 23, p. 720.
- No defense to count in complaint, under employers' liability act of Alabama, for wilfulness, wantonness or intentional wrong.
Louisville & N. R. Co. v. York (Ala.), vol. 23, p. 470.
- Nonsuit properly ordered in action for injury to yardmaster knocked from mov-

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

- ing train by electric light pole too near track in yard with which he was familiar. *Blackstone v. Central of Georgia Ry. Co. (Ga.)*, vol. 20, p. 365.
- Obedience to order requiring performance of hazardous act. *Allison v. Southern Ry. Co. (N. Car.)*, vol. 23, p. 714.
- Obstructions, section man remaining on track for purpose of removing obstruction endangering an approaching train. *Blomquist v. Great Northern Ry. Co. (Minn.)*, vol. 4, p. 439.
- Omaha & R. V. R. Co. v. Krayenbuhl (Neb.)*, vol. 4, p. 483.
- Of conductor in failing to observe rules concurring with company's negligence in allowing derrick to swing over track. *McCreery v. Ohio River R. Co. (W. Va.)*, vol. 20, p. 875.
- Of employee of bridge company constructing railroad bridge. *Hasie v. Alabama & V. Ry. Co. (Miss.)*, vol. 20, p. 551.
- Of engineer in allowing fireman to have charge of engine. *Louisville & N. R. Co. v. Scanlon (Ky.)*, vol. 22, p. 833.
- Of section hand riding on hand car, in failing to hold on to lever, did not preclude recovery for his death caused by negligence of his foreman having knowledge of such failure, in suddenly checking it. *Illinois Cent. R. Co. v. Josey (Ky.)*, vol. 20, p. 869.
- Of servant, prevents recovery for injuries or death. *Seldomridge v. Chesapeake & O. Ry. Co. (W. Va.)*, vol. 14, p. 639.
- Oiling engine by hand not contributory negligence on part of employee. *Stockwell v. Chicago & N. W. Ry. Co. (Iowa)*, vol. 12, p. 576.

Continued.

- Oiling engine by hand when automatic oiler is broken not contributory negligence. *Stockwell v. Chicago & N. W. Ry. Co. (Iowa)*, vol. 12, p. 576.
- On part of brakeman. *Clyde v. Richmond & D. R. Co. (U. S.)*, vol. 3, p. 446.
- Opinion evidence as to habitual carefulness on part of engineer. *Mosnat v. Chicago & N. W. Ry. Co. (Iowa)*, vol. 21, p. 609.
- Opinion evidence as to whether engineer killed in collision was properly obeying signals of his fireman. *Pittsburgh, C., C. & St. L. Ry. Co. v. Martin (Ind.)*, vol. 23, p. 485.
- Orders of master. *Chicago, etc., R. Co. v. McCarty (Neb.)*, vol. 5, p. 507.
- Passing between cars. *Murray v. Fitchburg R. Co. (Mass.)*, vol. 3, p. 444.
- Presumption as to object of brakeman in crossing track where he was killed. *Jones v. Flint & P. M. R. Co. (Mich.)*, vol. 21, p. 904.
- Proper use of magnetic bell and test set furnished linemen, question for jury. *Jackson & S. St. R. R. v. Simmons (Tenn.)*, vol. 23, p. 236.
- Question for jury. *Bradley v. Chicago, M. & St. Ry. Co. (Mo.)*, vol. 8, p. 728.
- Crouse v. Chicago & N. W. Ry. Co. (Wis.)*, vol. 14, p. 780.
- Great Northern Ry. Co. v. Kasischke (C. C. A.)*, vol. 19, p. 406.
- Louisville & N. R. Co. v. Milliken (Ky.)*, vol. 14, p. 742.
- Southern Ry. in Kentucky v. Cooper (Ky.)*, vol. 21, p. 231.
- Walker v. Shelton (Ky.)*, vol. 11, p. 15.
- Wilkie v. Raleigh & C. F. R. Co. (N. Car.)*, vol. 19, p. 296.
- Woodward Iron Co. v. Hern- don (Ala.)*, vol. 7, p. 124.

- MASTER AND SERVANT—**
Continued.
- Question for jury, in action for injury to conductor in alighting from car caused by projecting ties.
Whitcher v. Boston & M. R. Co. (N. H.), vol. 20, p. 540.
- Question for jury in action for killing of brakeman.
Jones v. Flint & P. M. R. Co. (Mich.), vol. 21, p. 904.
- Question for jury, where brakeman was injured by reason of excavation near track.
Jarvis v. Flint & P. M. R. Co. (Mich.), vol. 22, p. 312.
- Question for jury, whether brakeman injured by reason of unblocked guard rail, while uncoupling cars by hand because lever wads effective, was guilty of.
Trott v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 391.
- Railway obstruction near track.
New York, C. & St. L. R. Co. v. Ostman (Ind.), vol. 6, p. 588.
- Recklessness in use of machinery by employees.
Coley v. North Carolina R. Co. (N. Car.), vol. 23, p. 885.
- Reliance on fellow servant to give warnings of danger is not.
Hooper v. Great Northern Ry. Co. (Minn.), vol. 19, p. 1.
- Reliance on performance of duty by fellow servant is not.
Merritt v. Great Northern Ry. Co. (Minn.), vol. 19, p. 775.
- Reliance on promise to repair appliance, question for jury.
Mann v. Lake Shore & M. S. Ry. Co. (Mich.), vol. 21, p. 325.
- Riding on footboard of engine.
Lemasters v. Southern Pac. Co. (Cal.), vol. 20, p. 296.
- Riding on footboard of switch engine.
Yerkes v. Northern Pac. Ry. Co. (Wis.), vol. 23, p. 642.
- MASTER AND SERVANT—**
Continued.
- Riding on locomotive in violation of rule, effect of custom.
Chattanooga S. R. Co. v. Myers (Ga.), vol. 19, p. 776.
- Riding on platform of last freight car negligence per se on part of employee relying upon custom permitting employee to ride on freight trains.
Coyle v. Pittsburgh, C., C. & St. L. R. Co. (Ind.), vol. 22, p. 874.
- Right of employee to assume that master has exercised due care for his protection.
O'Neill v. Chicago, etc., R. Co. (Neb.), vol. 22, p. 578.
- Right to conclude that brakeman injured by overhead bridge was on top of the car in discharge of duty.
Louisville & N. R. Co. v. Tucker (Ky.), vol. 23, p. 876.
- Rules, sufficiency of evidence of violation of.
Tullis v. Lake Erie & W. R. Co. (C. C. A.), vol. 20, p. 336.
- Section foreman injured by tie falling on him when he knew ties were improperly loaded.
Texas Cent. Ry. Co. v. Lyons (Tex.), vol. 3, p. 316.
- Section foreman, in standing near track when struck by defective car door, not guilty of.
Chicago & A. R. Co. v. Cullen (Ill.), vol. 19, p. 523.
- Section hand killed while stooping over rail.
Sharp v. Missouri Pac. Ry. Co. (Mo.), vol. 21, p. 47.
- Servant cannot recover if his negligence contributed to his injury, although master was also negligent.
McGeary v. Old Colony R. Co. (R. I.), vol. 14, p. 764.
- Servant deprived of capacity to act by imminent danger not guilty of contributory negligence in failing to obey signal.
Louisiana Western Extension Ry. Co. v. Carstens (Tex. Civ. App.), vol. 12, p. 782.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

Servant's duty to protest against use of defective appliances.

Yerkes *v.* Northern Pac. Ry. Co. (Wis.), vol. 23, p. 642.

Servant failing to guard against danger from overhead bridge.

Norfolk & W. R. Co. *v.* Marpole (Va.), vol. 16, p. 291.

Servant guilty of, cannot recover for injuries.

Seldomridge *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 14, p. 639.

Servant injured by cattle guard as to proximity of which to track he was not chargeable with notice was not guilty of contributory negligence.

Wood *v.* Louisville & N. R. Co. (Tenn.), vol. 11, p. 525.

Servants may do work in customary manner and yet do it in such manner as to contribute to his injury.

Bodie *v.* Charleston, etc., Ry. Co. (S. Car.), vol. 22, p. 818.

Servant not guilty of contributory negligence in assuming dangerous position in obedience to orders when his duty could not be otherwise performed.

Louisville So. R. Co. *v.* Tucker (Ky.), vol. 12, p. 805.

Servant obeying order of vice principal and going into post of obvious danger, relying on promise by vice principal of protection, not guilty of contributory negligence, as matter of law unless danger was so great that a person of ordinary prudence would have refused to obey.

Louisiana Western Extension Ry. Co. *v.* Carstens (Tex. Civ. App.), vol. 12, p. 781.

Servant using defective appliances with knowledge of defect is not guilty of contributory negligence unless he knew such defect rendered it dangerous.

Chicago & E. I. R. Co. *v.* Knapp (Ill.), vol. 14, p. 828.

Continued.

Servant walking over unblocked frogs.

Gillin *v.* Patten & S. R. Co. (Me.), vol. 16, p. 508.

Servant working for master when he knows of master's reckless habits, is guilty of.

Beal *v.* Atchison, T. & S. F. Ry. Co. (Kan.), vol. 18, p. 751.

Sitting on brake wheel.

Wilson *v.* Penn. R. Co. (Pa.), vol. 5, p. 491.

Standing near track when struck by defective car door.

Chicago & A. R. Co. *v.* Culen (Ill.), vol. 19, p. 523.

Standing on footboard of engine, question for jury.

Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.

Station agent killed by freight cars left unbraked and unchecked, set in motion by sudden storm.

Brunswick, etc., R. Co. *v.* Smith (Ga.), vol. 5, p. 695.

Structure near track.

Bryce *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 9, p. 832.

Wood *v.* Louisville & N. R. Co. (C. C. Tenn.), vol. 11, p. 525.

Sufficiency of complaint.

Louisville, etc., Ry. Co. *v.* Howell (Ind.), vol. 6, p. 783.

Sufficiency of evidence.

Knapp *v.* Chicago & W. M. Ry. Co. (Mich.), vol. 13, p. 857.

Merritt *v.* Great Northern Ry. Co. (Minn.), vol. 19, p. 775.

Rinard *v.* Omaha, K. C. & E. Ry. Co. (Mo.), vol. 22, p. 34.

Sheltrawn *v.* Mich. Cent. R. Co. (Mich.), vol. 23, p. 711.

Western & A. R. Co. *v.* Hernndon (Ga.), vol. 23, p. 464.

Sufficiency of evidence in action for death of engineer of switch engine colliding with another train.

Pittsburgh, C., C. & St. L. Ry. Co. *v.* Martin (Ind.), vol. 23, p. 485.

- MASTER AND SERVANT—**
Continued.
- Sufficiency of evidence of plaintiff's protest against exposure to danger in action for injury to servant caused by fall from footboard of engine.
 Yerkes *v.* Northern Pac. Ry. Co. (Wis.), vol. 23, p. 642.
- Sufficiency of evidence to bar recovery.
 Sours *v.* Great Northern Ry. Co. (Minn.), vol. 23, p. 457.
- Sufficiency of evidence where employee loading timber on flat car was injured by backing train.
 Freeman *v.* Ill. Cent. R. Co. (Tenn.), vol. 22, p. 49.
- Sufficiency of instruction as to contributory negligence of employee which was not a proximate cause of his injury.
 Trott *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 391.
- Sufficiency of instruction silent as to contributory negligence of employee, which was not proximate cause of his injury.
 Trott *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 391.
- Sufficiency of notice that digging is being done between ties which does not warn brakeman that frog is unblocked.
 Hauss *v.* Lake Erie & W. R. Co. (C. C. A.), vol. 22, p. 864.
- Uncoupling moving cars.
 Hollenbeck *v.* Missouri Pac. Ry. Co. (Mo.), vol. 8, p. 278.
- Unnecessarily cleaning engine at end of trip without waiting for instructions, where inspection would have discovered defect causing injury.
 Patton *v.* Texas & Pac. Ry. Co. (U. S.), vol. 20, p. 148.
- Using defective drainpipe in climbing upon engine.
 Coley *v.* North Carolina R. Co. (N. Car.), vol. 23, p. 885.
- Violation of rules by employee.
 Alabama, etc., R. Co. *v.* Ritchie (Ala.), vol. 5, p. 554.
- MASTER AND SERVANT—**
Continued.
- Violation of rules by employee is not per se.
 Galveston, H. & S. A. Ry. Co. *v.* Adams (Tex.), vol. 20, p. 274.
- Violation of rule prohibiting servants from going between cars to couple them is contributory negligence.
 Fluhrer *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 17, p. 463.
- Violation of rule requiring employee to be on top of cars is not, where he was injured while in a safer place.
 Fullis *v.* Lake Erie & W. R. Co. (C. C. A.), vol. 20, p. 336.
- Violation by engineer of rule regulating speed.
 Lonzer *v.* Lehigh Val. R. Co. (Pa.), vol. 21, p. 333.
- Voluntarily riding on locomotive in violation of rules.
 Chattanooga S. R. Co. *v.* Myers (Ga.), vol. 19, p. 776.
- Voluntary assumption of dangerous risk.
 Rittenhouse *v.* Wilmington St. Ry. Co. (N. Car.), vol. 6, p. 783.
- Whether brakeman's ignorance of defect in roadbed must be pleaded.
 Chesapeake & N. R. Co. *v.* Venable (Ky.), vol. 21, p. 450.
- Whether employee was so reckless as to preclude him from asserting reliance on promise to repair was for jury.
 Mann *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 21, p. 325.
- Wilfully encountering known dangers.
 Reese *v.* Wheeling (W. Va.), vol. 6, p. 783.
- Contributory negligence in failing to use coupling stick.
 Louisville & N. R. Co. *v.* Veach (Ky.), vol. 11, p. 24.
- Custom relative to switching cars, question for jury.
 Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.

MASTER AND SERVANT— MASTER AND SERVANT—

*Continued.**Continued.***Damages.**

Elements of recovery for injury received by employee.

Bussey *v.* Charleston & W. C. Ry. Co. (S. Car.), vol. 11, p. 474.

Evidence as to capacity of injured brakeman to earn wages.

Wimber *v.* Iowa Cent. Ry. Co. (Iowa), vol. 23, p. 476.

Evidence as to previous earnings.

Central of Ga. Ry. Co. *v.* Perkerson (Ga.), vol. 21, p. 63.

Instructions limiting future earning power to manual labor.

Trott *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 391.

Measure of, in action for breach of contract releasing claim for damages for personal injuries in consideration of future employment.

Rhoades *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 22, p. 283.

Punitive damages cannot be recovered of master for wanton or malicious act of servant.

Haver *v.* Central R. Co. of N. J. (N. J.), vol. 17, p. 490.

Recovery of punitive damages for malicious or wanton acts of servant under Colorado statute.

Ristine *v.* Blocker (Colo.), vol. 18, p. 139.

Release by widow in consideration of benefits from relief department no bar to action by administrator.

Cowen *v.* Ray (C. C. A.), vol. 21, p. 531.

Wantonness, recklessness or wilfulness of employee may render master liable for punitive damages.

Highland Ave. & B. R. Co. *v.* Robinson (Ala.), vol. 19, p. 357.

Defective couplings.

Thompson *v.* Missouri Pac. Ry. Co. (Neb.), vol. 8, p. 762.

Defects.

Assumption of risk.

Quinn *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 12, p. 512.

Vining *v.* N. Y. & N. E. R. Co. (Mass.), vol. 9, p. 65.

Assumption of risk a question for jury.

Cameron *v.* Great Northern Ry. Co. (N. Dak.), vol. 12, p. 520.

Assumption of risk from latent defects.

Union Stock Yards Co. *v.* Goodwin (Neb.), vol. 12, p. 502.

Burden of proof as to knowledge of defects in action for death of servant.

Judd *v.* Chesapeake & O. Ry. Co. (Ky.), vol. 11, p. 517.

Burden of proving negligence in furnishing defective car.

Baltimore & O. R. Co. *v.* Burris (C. C. A.), vol. 23, p. 912.

Care required of each as to defective appliance.

Leak *v.* Carolina Cent. R. Co. (N. Car.), vol. 14, p. 739.

Cattle chutes near track.

Keist *v.* Chicago G. W. Ry. Co. (Iowa), vol. 16, p. 297.

Coal bin near track.

Pahlan *v.* Detroit, G. H. & M. Ry. Co. (Mich.), vol. 16, p. 309.

Conductor of freight train whose duty it is to inspect condition of train before taking charge, not expected to discover latent defects.

Ill. Cent. R. Co. *v.* Hilliard (Ky.), vol. 5, p. 539.

Defect in appliances, question for jury.

Doing *v.* New York, O. & W. Ry. Co. (N. Y.), vol. 9, p. 69.

Walker *v.* Gillett (Kan.), vol. 10, p. 140.

Defect in foreign car renders master liable.

Leak *v.* Carolina Cent. R. Co. (N. Car.), vol. 14, p. 739.

Defect in track, admissibility of evidence.

Lake Erie & W. R. Co. *v.* Wilson (Ill.), vol. 20, p. 164.

- MASTER AND SERVANT—**
Continued.
- Defective appliances, question for jury.
Wright v. Southern Ry. Co. (N. Car.), vol. 20, p. 157.
 - Duty of master as to appliances.
Cameron v. Great Northern Ry. Co. (N. Dak.), vol. 12, p. 520.
 - Duty of railroad to consult safety in constructing farm crossings under contract.
Louisville & N. R. Co. v. Pittman (Ky.), vol. 23, p. 56.
 - Duty to furnish safe place to work.
Norfolk & W. Ry. Co. v. Cromer (Va.), vol. 23, p. 720.
 - Elevators, injury to employee through defective elevator.
McNee v. Coburn Trolley-Track Co. (Mass.), vol. 10, p. 765.
 - Failure to keep headlight in good repair.
San Antonio & A. P. Ry. Co. v. Harding (Tex.), vol. 3, p. 389.
 - Injury caused by defective machinery of hand car.
Clare v. N. Y. & N. E. R. Co. (Mass.), vol. 6, p. 76.
 - Injury to brakeman from defective railing on bridge while alighting.
Southern Ry. in Kentucky v. Cooper (Ky.), vol. 21, p. 231.
 - Injury to employee by low bridge.
Williams v. Del., L. & W. R. Co. (N. Y.), vol. 10, p. 147.
 - Injury to employee by obstructions near track.
New York, C. & St. L. R. Co. v. Ostman (Ind.), vol. 6, p. 588.
 - Injury to employee from defective grab-iron.
Jones v. N. Y., N. H. & H. R. Co. (R. I.), vol. 11, p. 414.
 - Inspection of handholds, care required.
Thompson v. Great Northern Ry. Co. (Minn.), vol. 19, p. 421.
 - Insufficient space between sidings.
Voorhees v. Lake Shore & M. S. Ry. Co. (Pa.), vol. 16, p. 316.
- MASTER AND SERVANT—**
Continued.
- Knowledge of defective appliances.
Broslin v. Kansas City, M. & B. R. Co. (Ala.), vol. 9, p. 99.
 - Knowledge of defective track.
Atchison, T. & S. F. R. Co. v. Tindall (Kan.), vol. 6, p. 557.
 - Knowledge of defects as affecting right to recover under South Carolina constitution.
South Carolina & G. R. Co. v. Thurman (Ga.), vol. 14, p. 727.
 - Knowledge of servant of existence of dangerous appliance does not render him chargeable with notice as to its location.
Indiana, I. & I. R. Co. v. Bundy (Ind.), vol. 14, p. 660.
 - Latent defects.
Fulton v. Bullard (C. C. A.), vol. 14, p. 547.
Union Stock-Yards Co. v. Goodwin (Neb.), vol. 12, p. 502.
 - Liability.
Roberts v. Boston & M. R. Co. (Me.), vol. 3, p. 439.
 - Liability for defect in track of another company.
Story v. Concord & M. R. R. (N. H.), vol. 20, p. 90.
 - Liability for defective car door, in action for injury to section foreman.
Chicago & A. R. Co. v. Cullen (Ill.), vol. 19, p. 523.
 - Liability for failure to furnish safe place to work, where pile of stones was allowed to remain near track for several months, where brakeman was required to jump on moving engine.
Donahue v. Boston & M. R. R. (Mass.), vol. 20, p. 526.
 - Liability for injury to conductor alighting from car, caused by projecting ties.
Whitcher v. Boston & M. R. Co. (N. H.), vol. 20, p. 540.
 - Liability for injury to employee.
Box v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 16, p. 527.
Chicago, etc., R. Co. v. Curtis (Neb.), vol. 8, p. 762.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

- Doing *v.* N. Y., O. & W. Ry. Co. (N. Y.), vol. 9, p. 69.
 Louisville, etc., Ry. Co. *v.* Howell (Ind.), vol. 6, p. 786.
 Pitts *v.* Florida Cent. R. Co. (Ga.), vol. 8, p. 762.
 St. Joseph & G. I. R. Co. *v.* Hedge (Neb.), vol. 2, p. 382.
 Thompson *v.* Missouri Pac. Ry. Co. (Neb.), vol. 8, p. 762.
 Liability for injuries to employee caused by defective tools.
 Savannah & S. Ry. Co. *v.* Pughsley (Ga.), vol. 22, p. 446.
 Liability for injury to servant caused by his stumbling over an obstruction on track of which he had not notice.
 Linck *v.* Louisville & N. R. Co. (Ky.), vol. 16, p. 831.
 Liability for injury to trainmen caused by fish chutes near main track.
 Phelps *v.* Chicago & W. M. Ry. Co. (Mich.), vol. 20, p. 137.
 Liability for transfer of defective car where employee is injured.
 Pennsylvania R. Co. *v.* Snyder (Ohio), vol. 7, p. 769.
 Liability of company for failure to furnish safe places to work as affected by time of going to work.
 Louisville & N. R. Co. *v.* Tucker (Ky.), vol. 23, p. 876.
 Liability of master.
 Port Blakely Mill Co. *v.* Garrett (C. C. A.), vol. 16, p. 363.
 Liability of railroad for injury to brakeman by structure near track.
 Bryce *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 9, p. 832.
 Liability where coal shed near track collided with brakeman on car ladder.
 Chicago & A. R. Co. *v.* Stevens (Ill.), vol. 20, p. 182.
 Location of telegraph poles as negligence.
 Potter *v.* Detroit, G. H. & M. Ry. Co. (Mich.), vol. 16, p. 264.

Continued.

- Master bound to use only those tests ordinarily used to discover defects in machinery.
 Texas & P. Ry. Co. *v.* Barrett (U. S.), vol. 11, p. 867.
 Master's knowledge of.
 Baxter *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 476.
 Master liable for agent's neglect in furnishing safe appliances.
 New York, N. H. & H. R. Co. *v.* O'Leary (C. C. A.), vol. 14, p. 718.
 Master's neglect to maintain safe couplings must be proximate cause to warrant recovery where there is also negligence of fellow servant.
 McCoy *v.* Norfolk & C. R. Co. (Va.), vol. 22, p. 838.
 Master's negligence a question for jury where servant is injured by reason of a defect with notice of which he was chargeable.
 Walker *v.* Atlanta & W. P. R. Co. (Ga.), vol. 11, p. 498.
 Master not an insurer.
 Lincoln St. Ry. Co. *v.* Cox (Neb.), vol. 4, p. 273.
 Master not guilty of negligence in allowing small splinter of steel to remain on rail.
 Barrett *v.* Great Northern Ry. Co. (Minn.), vol. 12, p. 742.
 Master not liable for death of servant from low bridge where there has been no negligence on master's part.
 Myers *v.* Chicago, St. P. M. & O. Ry. Co. (C. C. A.), vol. 14, p. 749.
 Master not liable for defects of which he has no notice.
 Lincoln St. Ry. Co. *v.* Cox (Neb.), vol. 4, p. 273.
 Master not liable for necessary proximity to track of mail crane located by government.
 Louisville & N. R. Co. *v.* Milliken (Ky.), vol. 14, p. 742.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

Master not negligent in allowing small projecting splinter to remain on rail.
Barrett v. Great Northern Ry. Co. (Minn.), vol. 12, p. 742.

Master without knowledge of, or opportunity of acquiring knowledge of defect, not liable to servant injured by such defect.

Atchison, T. & S. F. Ry. Co. v. Taylor (Kan.), vol. 14, p. 733.

Mere fact that appliance was defective does not entitle servant injured to recover if it does not appear that his injury was caused by the defect.

Hannigan v. Lehigh & H. R. Ry. Co. (N. Y.), vol. 12, p. 605.

Negligence, a question for jury where brakeman was injured by reason of defective coupling.

Thompson v. Missouri Pac. Ry. Co. (Neb.), vol. 8, p. 762.

Negligence in maintaining over-head bridge, in action for death of brakeman struck while on top of car.
Louisville & N. R. Co. v. Tucker (Ky.), vol. 23, p. 876.

Negligence of fellow servants contributing to the injury arising from unsafe appliances.

Norfolk, etc., R. Co. v. Ampey (Va.), vol. 5, p. 707.

Not duty of company to enclose roundhouse pits where such enclosure would render pits useless.

McDonnell v. Illinois Cent. Ry. Co. (Iowa), vol. 11, p. 534.

Notice of defects.

Bland v. Shreveport Belt-Ry. Co. (La.), vol. 4, p. 349.

"Out of order" placed on freight cars.

Chesapeake & O. R. Co. v. Lash (Va.), vol. 3, p. 569.

Continued.

Pleading and proof as to defective coupling appliances.
Youngblood v. South Carolina & G. R. Co. (S. Car.), vol. 20, p. 622.

Pleading that defective brake on foreign car was proximate cause of injury.

Sheltrawn v. Michigan Cent. R. Co. (Mich.), vol. 23, p. 711.

Presumption of negligence from injury to brakeman from defect in handhold on engine.

Southern Ry. in Kentucky v. Cooper (Ky.), vol. 21, p. 231.

Presumption of servant as to safety of appliance.

Union Stock-Yards Co. v. Goodwin (Neb.), vol. 12, p. 503.

Question for jury.

Great Northern Ry. Co. v. Kasischke (C. C. A.), vol. 19, p. 406.

Walker v. Gillett (Ky.), vol. 10, p. 140.

Railroad company permitting an electric car company to place wires over its track in such a manner as to injure its servants.

Erslew v. New Orleans & N. E. R. Co. (La.), vol. 6, p. 436.

Roadbed, failure to properly construct and maintain negligence per se, where trainman injured in derailment.

Wilkie v. Raleigh & C. F. R. Co. (N. Car.), vol. 19, p. 295.

Roadbed need not be maintained perfectly ballasted for servants.

Kerrigan v. Pennsylvania R. Co. (Pa.), vol. 16, p. 835.

Servant injured by reason of defect in appliance cannot recover if by exercising reasonable care he could have discovered such defect before using the appliance.
Hannigan v. Lehigh & H. R. Ry. Co. (N. Y.), vol. 12, p. 605.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

Servant may assume that appliances are safe.

New York, N. H. & H. R. Co. v. O'Leary (C. C. A.), vol. 14, p. 718.

Servant using defective appliance with knowledge of defect not guilty of contributory negligence unless he knew such defect rendered it dangerous.

Chicago & E. I. R. Co. v. Knapp (Ill.), vol. 14, p. 828.

Sufficiency of evidence.

Great Northern Ry. Co. v. Kasischke (C. C. A.), vol. 19, p. 406.

Sufficiency of evidence to show that absence of brake shoes was cause of injuring brakeman coupling cars.

Cambron v. Omaha, etc., R. Co. (Mo.), vol. 23, p. 634.

Sufficiency of evidence to show that master was chargeable with notice of defect in track.

Louisville & N. R. Co. v. Victory (Ky.), vol. 12, p. 538.

Sufficiency of inspection a question for jury.

Fulton v. Bullard (C. C. A.), vol. 14, p. 547.

Telegraph pole placed so near track as to involve risk of injury to employee.

Crandall v. New York, etc., R. Co. (R. I.), vol. 5, p. 543.

Whipple v. New York, etc., R. Co. (R. I.), vol. 5, p. 517.

Tests necessary to discover defect.

Union Stock-Yards Co. v. Goodwin (Neb.), vol. 12, p. 503.

Unreasonable period for leaving gravel piles causing injury to brakeman, between tracks in station yard.

Hurst v. Kansas City, P. & G. R. Co. (Mo.), vol. 21, p. 899.

Unusual but reasonable size of blocking between guard rail and main rail no evidence of negligence where

Continued.

brakeman was injured by stumbling because of.

Morris v. Duluth, etc., Ry. Co. (C. C. A.), vol. 22, p. 45.

Use of uneven couplings or deadwoods on freight cars.

Pennsylvania Co. v. Ebaugh (Ind.), vol. 4, p. 200.

When evidence of nature of defect is conflicting, it is a question for the jury.

Valley Ry. Co. v. Keegan (C. C. A.), vol. 11, p. 507.

Where ordinary care has been exercised to furnish safe machinery, master not liable for injuries from defects, unless his agents were chargeable with notice of defects and plaintiff was free from contributory negligence.

Texas & P. Ry. Co. v. Barrett (U. S.), vol. 11, p. 867.

Whether notice to officers of a preceding board of management is notice to present manager.

Bland v. Shreveport Belt Ry. Co. (La.), vol. 4, p. 349.

Derailment of train, where a shipper had built a cattle pen upon the right of way of a railroad which was so constructed that cattle escaped from it and derailed a train, killing an employee, it was held that the fact that the pen was on the right of way did not render the company liable.

Carper v. Receivers of Norfolk & W. R. Co. (C. C. A.), vol. 7, p. 95.

Derailment of train by snow-slides.

Denver & R. G. R. Co. v. Pilgrim (Colo.), vol. 8, p. 249.

Direction of verdict for plaintiff in action for injury to fireman in a collision.

Mexican Cent. Ry. Co., Limited, v. Glover (C. C. A.), vol. 21, p. 272.

- MASTER AND SERVANT—**
Continued.
- Direction of verdict in action for injury to switchman in coupling cars.
 Brown v. Louisville, H. & St. L. Ry. Co. (Ky.), vol. 23, p. 883.
- Discharge List.**
- Master may communicate cause of discharge to other companies.
 Hundley v. Louisville & N. R. Co. (Ky.), vol. 12, p. 749.
- Master may keep record of causes for which it discharged servant.
 Hundley v. Louisville & N. R. Co. (Ky.), vol. 12, p. 749.
- Discretion of court to grant separate trial in action for injury to servant caused by defect in track of another company.
 Story v. Concord & M. R. R. (N. H.), vol. 20, p. 90.
- Ditch in track within knowledge of defendant's section foreman.
 Hollenbeck v. Missouri Pac. Ry. Co. (Mo.), vol. 3, p. 350.
- Duty of master a question for jury.
 Walker v. McNeill (Wash.), vol. 11, p. 738.
- Duty of master as to protecting servant a question for jury.
 Walker v. McNeill (Wash.), vol. 11, p. 738.
- Duty of master to furnish safe place to work.
 Indiana, I. & I. R. Co. v. Bundy (Ind.), vol. 14, p. 660.
- King v. Chicago & N. W. Ry. Co. (Iowa), vol. 14, p. 659.
- Duty of station agent to protect other employees against robbery.
 Lipscomb v. Houston, etc., Ry. Co. (Tex.), vol. 23, p. 401.
- Duty to employees riding on passes.
 Whitney v. New York, etc., R. Co. (C. C. A.), vol. 19, p. 184.
- MASTER AND SERVANT—**
Continued.
- Duty to have safe roadbed cannot be delegated.
 Wright v. Southern Ry. Co. (N. Car.), vol. 12, p. 717.
- Duty to inspect roadbed.
 Chesapeake & N. R. Co. v. Venable (Ky.), vol. 21, p. 450.
- Duty to instruct inexperienced servant.
 Louisville & N. R. Co. v. Miller (C. C. A.), vol. 19, p. 500.
- Duty to instruct servant non-assignable.
 Louisville & N. R. Co. v. Miller (C. C. A.), vol. 19, p. 501.
- Duty to protect employee from effects of his own intemperance.
 Parker v. Winona & St. P. R. Co. (Minn.), vol. 21, p. 594.
- Duty to warn servant.
 Daly v. Kiel (La.), vol. 22, p. 320.
- Duty to warn servant working in dangerous place.
 Indiana, I. & I. R. Co. v. Bundy (Ind.), vol. 14, p. 660.
- Effect of a finding of the existence of negligence unsupported by evidence, in action for injury to employee.
 Crane v. Chicago, etc., Ry. Co. (Minn.), vol. 22, p. 869.
- Employees as passengers.
 Ionne v. New York, N. H. & H. R. Co. (R. I.), vol. 16, p. 359.
- McNulty v. Pennsylvania R. Co. (Pa.), vol. 8, p. 685.
- Employee in charge of engine not bound to compel fireman off duty to cease riding on footboard of engine.
 Lemasters v. Southern Pac. Co. (Cal.), vol. 20, p. 296.
- Employee riding free by permission of conductor in violation of rule, is not a trespasser.
 Chattanooga Rapid-Transit Co. v. Venable (Tenn.), vol. 19, p. 768.
- Employee struck by a lump of coal thrown from an engine.
 Anderson v. Union Pac., etc., R. Co. (Colo.), vol. 6, p. 786.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

Employee whose negligence was cause of injury need not be designated in complaint.
 Rinard v. Omaha, etc., Ry. Co. (Mo.), vol. 22, p. 34.

Employers' Liability Acts.

Constitutionality of employers' liability act of Indiana.
 Indianapolis Union Ry. Co. v. Houlihan (Ind.), vol. 21, p. 915.

Constitutionality of statute preventing employees from waiving benefit of employers' liability act.

Coley v. North Carolina R. Co. (N. Car.), vol. 23, p. 885.

Construction of employers' liability act of Indiana.

Indianapolis Union Ry. Co. v. Houlihan (Ind.), vol. 21, p. 915.

Construction of employers' liability act of Mexico.

Mexican Cent. Ry. Co., Limited, v. Glover (C. A.), vol. 21, p. 272.

Construction of employers' liability act, provision of Iowa Code.

Akeson v. Chicago, B. & Q. R. Co. (Iowa), vol. 11, p. 430.

Reddington v. Chicago, M. & St. P. R. Co. (Iowa), vol. 11, p. 440.

Construction of provision of South Carolina constitution providing that employee's knowledge of defect shall be no defense in action for his injuries.

Youngblood v. S. Car. & G. R. Co. (S. Car.), vol. 20, p. 622.

Evidence of notice to master of danger from appliance admissible.

Indiana, I. & I. R. Co. v. Bundy (Ind.), vol. 14, p. 660.

Fellow-servant rule and assumption of risk as affected by.

Louisville, N. A. & C. Ry. Co. v. Wagner (Ind.), vol. 14, p. 706.

Indiana act is constitutional.
 Pennsylvania Co. v. Ebaugh (Ind.), vol. 14, p. 701.

Continued.

Pittsburg, C., C. & St. L. Ry. Co. v. Hosea (Ind.), vol. 14, p. 692.

Liability for death of fireman in collision caused by failure of brakeman of other train to place danger signals on track, under employers' liability act of Indiana.

Cowen v. Ray (C. C. A.), vol. 21, p. 531.

Question for jury whether work of clearing wrecked car from track causing its roof to fall upon section hand was being executed so as to expose him to peculiar hazards, within meaning of Minn. Gen. St. 1849, sec. 2701, making railroads liable for negligence of fellow servants.

Kreuzer v. Great Northern Ry. Co. (Minn.), vol. 21, p. 912.

Repeal of act enlarging the liability of domestic corporations to their servants by constitutional provision declaring that no foreign corporation shall enjoy any greater rights or privileges than those enjoyed by domestic corporations.

Crisswell v. Montana Cent. R. Co. (Mont.), vol. 3, p. 652.

Ropes do not constitute a part of the ways, machinery, etc., of a railroad, within the meaning of employers' liability act of Alabama.

Southern Ry. Co. v. Moore (Ala.), vol. 20, p. 896.

Texas Rev. St. art. 3017, giving right of action for death not applicable in action for death of employee.

Lipscomb v. Houston & T. C. Ry. Co. (Tex.), vol. 23, p. 401.

Wages of discharged employees, constitutionality of Arkansas statute.

St. Louis, I. M. & S. Ry. Co. v. Paul (U. S.), vol. 12, p. 755.

Employment, sufficiency of evidence where traffic

- MASTER AND SERVANT—** **MASTER AND SERVANT—**
Continued. *Continued.*
- arrangement between companies.
 Goodrich v. Kansas City, etc., Ry. Co. (Mo.), vol. 19, p. 137.
- Engineer could recover for injuries received in collision caused by gross negligence of train dispatcher.
 Cincinnati, etc., Ry. Co.'s Receiver v. Roberts (Ky.), vol. 21, p. 322.
- Engineer obeying order of conductor with no notice that such obedience imperilled plaintiff, was held not negligent.
 Alabama, etc., R. Co. v. Ritchie (Ala.), vol. 5, p. 554.
- Engineer's failure to see signals.
 Fairman v. Boston & A. R. Co. (Mass.), vol. 9, p. 83.
- Evidence.**
- Atchison, etc., R. Co. v. Green (Kan.), vol. 6, p. 786.
- Admissibility of evidence for plaintiff to show how another company loaded cars in action for injury to employee.
 Southern Ry. Co. v. Mauzy (Va.), vol. 20, p. 647.
- Admissibility of evidence of negligence not alleged.
 Louisville & N. R. Co. v. Scanlon (Ky.), vol. 22, p. 833.
- Admissibility of evidence of plaintiff's understanding as to length of ties, in action by conductor for his personal injuries caused by their projection where he was alighting.
 Whitche v. Boston & M. R. Co. (N. H.), vol. 20, p. 540.
- Admissibility of evidence of servant's knowledge of proximity of cattle chute.
 Keist v. Chicago G. W. Ry. Co. (Iowa), vol. 16, p. 297.
- Admissibility of evidence that injured brakeman falsely represented himself to be married.
 Wimber v. Iowa Cent. Ry. Co. (Iowa), vol. 23, p. 476.
- Admissibility of evidence to show that engineer in charge of train was competent, in action for injuries to person on track.
 Hasie v. Alabama & V. Ry. Co. (Miss.), vol. 20, p. 551.
- As to condition of other rails than that causing injury to employee.
 Trott v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 391.
- As to whether engineer was a careful man.
 Hicks v. Southern Ry. Co. (S. Car.), vol. 21, p. 217.
- Burden of proof in action against receiver for injury to servant.
 Robinson v. Huidekoper (Ga.), vol. 5, p. 216.
- Burden of proof to show master's negligence.
 Louisville & N. R. Co. v. Victory (Ky.), vol. 12, p. 538.
- Burden of proving absence of negligence, in action for injury to trainman, thrown on defendant by admission that roadbed was defective.
 Wilkie v. Raleigh & C. F. R. Co. (N. Car.), vol. 19, p. 295.
- Burden of proving negligence in action for injury to employee.
 Railey v. Garbutt (Ga.), vol. 20, p. 211.
- Burden on servant in action for personal injuries, to show negligence of master in construction and maintenance of culvert causing injury, and in failing to discover defect in.
 Crouse v. Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 780.
- Cause of brakeman's death, sufficiency of evidence.
 Illinois Cent. R. Co. v. Harris (Miss.), vol. 21, p. 119.
- Credibility of railroad employees as witnesses.
 Brunswick & W. R. Co. v. Wiggins (Ga.), vol. 22, p. 588.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

Custom in switch yard in action for injuries to plaintiff.

Pier *v.* Chicago, etc., R. Co. (Wis.), vol. 5, p. 407.

Declarations of employees whether acting within the scope of their authority.

Atchison T. & S. F. R. Co. *v.* Consolidated Cattle Co. (Kan.), vol. 10, p. 368.

Declarations of engineer showing malice, in action for injury to cattle in transit.

Crawford *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 17.

Evidence as to custom in regard to delivery of cars in foreign yard, in action for injury to employee of another company.

Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.

Evidence of customs governing operation of trains, in action for death of engineer in a collision.

Pittsburgh, C., C. & St. L. Ry. Co. *v.* Martin (Ind.), vol. 23, p. 485.

Evidence of custom to disregard rules.

Louisville & N. R. Co. *v.* Scanlon (Ky.), vol. 22, p. 833.

Evidence of defect in engine in action for injury to employee.

Rush *v.* Spokane Falls & N. Ry. Co. (Wash.), vol. 20, p. 285.

Evidence of defective condition of track and notice to master thereof.

Louisville & N. R. Co. *v.* Victory (Ky.), vol. 12, p. 538.

Evidence that cars like the one causing injury were in common use, admissible as bearing on credibility of witnesses.

Benson *v.* New York, etc., R. Co. (R. I.), vol. 22, p. 299.

Evidence that witness is working under fellow servant whose alleged negli-

Continued.

gence caused accident.

Louisville & N. R. Co. *v.* York (Ala.), vol. 23, p. 470.

Expert testimony as to what constitutes a safe condition of track in action for injury to brakeman caused by gravel pile in station yard.

Hurst *v.* Kansas City, P. & G. R. Co. (Mo.), vol. 21, p. 899.

Harmless error.

Hicks *v.* Southern Ry. Co. (S. Car.), vol. 21, p. 217.

Southern Ry. in Ky. *v.* Cooper (Ky.), vol. 21, p. 231.

Harmless error in admitting evidence of statement of injured employee to conductor which should have been made to superintendent.

Hicks *v.* Southern Ry. Co. (S. Car.), vol. 21, p. 217.

Harmless error in admitting expert testimony to show what constitutes safe condition of tracks, in action for injury to brakeman caused by gravel pile in railroad yard.

Hurst *v.* Kansas City, P. & G. R. Co. (Mo.), vol. 21, p. 899.

Harmless error in rejecting declarations of engineer tending to show that deceased brakeman was not upon top of car in discharge of duty.

Louisville & N. R. Co. *v.* Tucker (Ky.), vol. 23, p. 876.

Hearsay evidence tending to enhance damages.

Trott *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 391.

Instruction as to duty of furnishing safe cars properly refused as having no limitation as to place where like cars were used.

Benson *v.* New York, N. H. & H. R. Co. (R. I.), vol. 22, p. 299.

Killing employee on track, burden of proving due care.

Tumulty *v.* New York, N. H. & H. R. Co. (Mass.), vol. 11, p. 468.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

- Knowledge of fellow servant's incompetency.
Parker v. New York Cent. & H. R. R. Co. (N. Y.), vol. 10, p. 614.
- Nonsuit, sufficiency of evidence.
Hicks v. Southern Ry. Co. (S. Car.), vol. 21, p. 217.
- Opinion evidence as to authority to start engine, in action for injury to employee.
Wimber v. Iowa Cent. Ry. Co. (Iowa), vol. 23, p. 476.
- Opinion evidence as to cause of injury to employee.
Trott v. Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 391.
- Opinion evidence as to competency of engineer.
Hicks v. Southern Ry. Co. (S. Car.), vol. 21, p. 217.
- Opinion evidence as to power of station agent to employ guard for the station.
Lipscomb v. Houston, etc., Ry. Co. (Tex.), vol. 23, p. 401.
- Pleading and proof as to defect in brake.
St. Louis, P. & N. Ry. Co. v. Dorsey (Ill.), vol. 21, p. 280.
- Release from claim for personal injuries cannot be contradicted by parol evidence.
Indianapolis Union Ry. Co. v. Houlihan (Ind.), vol. 21, p. 916.
- Right to argue interest of witness as an employee, to conceal his own negligence, in action for injury to another employee.
Wimber v. Iowa Cent. Ry. Co. (Iowa), vol. 23, p. 476.
- Secondary evidence, entries in car inspector's books as to condition of car inflicting injury.
Hicks v. Southern Ry. Co. (S. Car.), vol. 21, p. 217.
- Sufficiency of evidence of defect in brake.
St. Louis, P. & N. Ry. Co. v. Dorsey (Ill.), vol. 21, p. 280.

Continued.

- Sufficiency of evidence of gross negligence of engineer causing injury to switchman.
Illinois Cent. R. Co. v. Stewart (Ky.), vol. 21, p. 874.
- That cars causing injury were in common use.
Benson v. N. Y., N. H. & H. Ry. Co. (R. I.), vol. 22, p. 299.
- Where the evidence as to the manner in which an accident occurred is purely circumstantial, the case is for the jury.
Hughes v. Louisville & N. R. Co. (Ky.), vol. 12, p. 560.
- Whether injured brakeman had never been discharged.
Wimber v. Iowa Cent. Ry. Co. (Iowa), vol. 23, p. 476.
- Excess of speed in city limits, injuring servant.
Pittsburg, C., C. & St. L. Ry. Co. v. Moore (Ind.), vol. 14, p. 678.
- Exemption from liability, for result of failure to inspect cars.
Illinois Cent. R. Co. v. Hilliard (Ky.), vol. 5, p. 539.
- Explosives, care required of master as to custody of.
Rush v. Spokane Falls & N. Ry. Co. (Wash.), vol. 20, p. 285.
- Express or implied consent of servant necessary for transfer of services.
Delaware, L. & W. R. Co. v. Hardy (N. J.), vol. 4, p. 577.
- Failure of plaintiff to allege that he was engaged in the performance of his duty when injured.
Broslin v. Kansas City, M. & B. R. Co. (Ala.), vol. 9, p. 99.
- Failure of superintendent, who has been notified that forest fire is raging on road, to notify trainmen, is negligence.
Bateman v. Peninsular Ry. Co. (Wash.), vol. 12, p. 679.

MASTER AND SERVANT—MASTER AND SERVANT—

Continued.

Failure to furnish automatic car-couplers, negligence per se.

Troxler *v.* Southern Ry. Co. (N. Car.), vol. 14, p. 711.

Failure to keep headlight in good repair.

San Antonio & A. P. Ry. Co. *v.* Harding (Tex.), vol. 3, p. 389.

Failure to provide butt post on stub track as negligence.

Chicago & E. I. R. Co. *v.* Driscoll (Ill.), vol. 12, p. 644.

Foreign Cars.

Eaton *v.* New York, C. & H. R. Co. (N. Y.), vol. 18, p. 391.

Fulton *v.* Bullard (C. C. A.), vol. 14, p. 547.

Lellis *v.* Michigan C. R. Co. (Mich.), vol. 18, p. 545.

Assumption of risk.

Union Stock-Yards Co. *v.* Goodwin (Neb.), vol. 12, p. 502.

Authority of station agent to furnish cars.

Nichols *v.* Oregon Short Line R. Co. (Utah), vol. 23, p. 654.

Company against whom its employee had recovered could not recover over against connecting carriers where both were guilty of negligence in failing to inspect defective car.

Galveston, H. & S. A. Ry. Co. *v.* Nass (Tex.), vol. 20, p. 306.

Defect in, renders master liable for injury to servant.

Leake *v.* Carolina Cent. R. Co. (N. Car.), vol. 14, p. 739.

Discrimination in furnishing.

Nichols *v.* Oregon Short Line R. Co. (Utah), vol. 23, p. 654.

Duty of company furnishing cars to employees of other companies.

Sheltrawn *v.* Michigan Cent. R. Co. (Mich.), vol. 23, p. 711.

Duty to furnish foreign cars, as affected by inability to procure kind specified.

Nichols *v.* Oregon Short Line R. Co. (Utah), vol. 23, p. 654.

Inspection of foreign cars.

Alabama G. S. R. Co. *v.* Carroll (C. C. A.), vol. 9, p. 759.

Louisville & W. R. Co. *v.* Veach (Ky.), vol. 11, p. 24.

St. Louis, I. M. & S. Ry. Co. *v.* Brown (Ark.), vol. 16, p. 440.

Union Stock-Yards Co. *v.* Goodwin (Neb.), vol. 12, p. 502.

Liability for defects in foreign cars.

Youngblood *v.* South Carolina & G. R. Co. (S. Car.), vol. 20, p. 622.

Liability for failure to furnish cars in time.

Nichols *v.* Oregon Short Line R. Co. (Utah), vol. 23, p. 654.

Liability for injury to servant caused by defect in foreign car.

Youngblood *v.* South Carolina & G. R. Co. (S. Car.), vol. 20, p. 622.

Liability of company failing to discover defect in foreign car.

Jones *v.* New York, N. H. & H. R. Co. (R. I.), vol. 11, p. 414.

Liability of company furnishing cars to employees of other companies as affected by duty to have knowledge of defect.

Sheltrawn *v.* Michigan Cent. R. Co. (Mich.), vol. 23, p. 711.

Liability of company transferring cars for death of servant of receiving company.

Lellis *v.* Michigan C. R. Co. (Mich.), vol. 18, p. 545.

Liability of company transferring cars for injury to servants of other company.

Teal *v.* American Min. Co. (Minn.), vol. 23, p. 314.

Liability of connecting carriers for negligence in loading and failure to inspect car causing injury to servant.

Missouri, K. & T. Ry. Co. *v.* Merrill (Kan.), vol. 17, p. 470.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

Necessity of pleading and proving that station agent had authority to furnish foreign cars.

Nichols *v.* Oregon Short Line R. Co. (Utah), vol. 23, p. 654.

Proximate cause of injury to employees of other company. Sheltrawn *v.* Michigan Cent. R. Co. (Mich.), vol. 23, p. 711.

Ultra vires contract to furnish. Nichols *v.* Oregon Short Line R. Co. (Utah), vol. 23, p. 654.

Frogs, judicial notice that unblocked frogs could have been seen by deceased brakeman.

Jones *v.* Flint & P. M. R. Co. (Mich.), vol. 21, p. 904.

General reputation of employee for incompetency, not sufficient to charge fellow servant with knowledge.

Texas & P. R. Co. *v.* Johnson (Tenn.), vol. 4, p. 441.

Harmless error in instructing as to liability for injury to employee.

Coleman *v.* Pittsburg, C., C. & St. L. Ry. Co. (Ky.), vol. 21, p. 453.

How far master chargeable with knowledge of servants.

St. Louis & S. W. R. Co. *v.* Threat (Tex.), vol. 3, p. 358.

Hypothetical questions as to proper position on engine pushing cars.

Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.

Immature age of employee seventeen years of age cannot be considered as bearing on question of contributory negligence.

Lemasters *v.* Southern Pac. Co. (Cal.), vol. 20, p. 296.

Implied notice of danger to servant handling car on repair track.

Chesapeake & O. R. Co. *v.* Hennessey (C. C. A.), vol. 16, p. 515.

Implied ratification of unauthorized employment.

Mickelson *v.* New East Tintic Ry. Co. (Utah), vol. 20, p. 855.

In action against a railway company to recover for in-

I D—31

Continued.

jury caused to an employee by alleged negligence in planking a crossing, evidence of the condition upon which company received its street rights is admissible.

Valley Ry. Co. *v.* Keegan (C. C. A.), vol. 11, p. 507.

In action to recover for personal injuries caused by alleged defective engine, burden is on plaintiff to show that it was unsuitable and that the defects caused his injuries.

Texas & P. Ry. Co. *v.* Barrett (U. S.), vol. 11, p. 867.

Incompetency of fellow servant. Morrow *v.* St. Paul City Ry. Co. (Minn.), vol. 12, p. 836.

Parker *v.* New York Cent. & H. R. R. Co. (N. Y.), vol. 10, p. 614.

Texas M. R. Co. *v.* Whitmore (Tex.), vol. 3, p. 438.

Inference of negligence from injury to brakeman by reason of gravel pile in station yard.

Hurst *v.* Kansas City, P. & G. R. Co. (Mo.), vol. 21, p. 899.

Injuries caused by unauthorized use of hand car by servant does not render master liable.

Branch *v.* International & G. N. R. Co. (Tex.), vol. 12, p. 378.

Injuries to employee walking near track after finishing his day's work, from a stick of wood being negligently thrown from a passing train, by a co-employee.

Fletcher *v.* Baltimore & P. R. Co. (U. S.), vol. 9, p. 229.

Injury in coupling cars.

Smith *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 6, p. 78.

Injury incurred while violating orders of master.

Rittenhouse *v.* Wilmington St. Ry. Co. (N. Car.), vol. 6, p. 784.

Injury to brakeman coupling cars.

Ill. Cent. R. Co. *v.* Sanders (Ill.), vol. 11, p. 861.

Injury to employee by backing train against cars which he was chaining.

Pier *v.* Chicago, etc., R. Co. (Wis.), vol. 5, p. 407.

MASTER AND SERVANT—MASTER AND SERVANT— *Continued.*

- Injury to engineer running his engine at speed in excess of that allowed by ordinance.
Missouri, K. & T. Ry. Co. v. Roberts (Tex. App.), vol. 11, p. 21.
- Injury to servant from defective roadbed, allegation of proximate cause.
Baker v. Great Northern Ry. Co. (Minn.), vol. 21, p. 396.
- Injury to servant while engaged in incidental duties.
Ean v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 9, p. 475.
Galveston, H. & S. A. R. Co. v. Gormley (Tex.), vol. 9, p. 468.
- Inspection, care required in inspection of boilers.
Baxter v. Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 476.
- Inspection, failure of company to discover defect in valve, whereby plaintiff was obliged to expose himself to injurious heat in remedying the consequences of such defect, was not the proximate cause of injuries resulting from the exposure.
Stockwell v. Chicago & N. W. Ry. Co. (Iowa), vol. 12, p. 576.
- Inspection, liability of railroad for failure to inspect cars.
Ill. Cent. R. Co. v. Hilliard (Ky.), vol. 5, p. 539.
- Inspection of cars by transferring company.
Glynn v. Central R. R. of N. J. (Mass.), vol. 17, p. 482.
- Inspection of tracks, care required of master to discover defects in track.
Louisville & N. R. Co. v. Ross (Ky.), vol. 17, p. 432.
- Instructions as to duty of master to provide safe place to work.
Rush v. Spokane Falls & N. Ry. Co. (Wash.), vol. 20, p. 285.
- Instruction as to liability for negligence of train dispatcher under Mo. Rev. St. 1889, sec. 4425, properly refused.
Rinard v. Omaha, etc., Ry. Co. (Mo.), vol. 22, p. 35.
- Instructions as to liability of company for falling in of tunnel.
Louisville & N. R. Co. v. Mattingly (Ky.), vol. 8, p. 319.
- Instructions as to negligence of engineer in not obeying signal in action for injury to brakeman coupling cars.
Cambron v. Omaha, etc., R. Co. (Mo.), vol. 23, p. 634.
- Intemperate habits of servant does not warrant recovery for death of another servant if such habit was in no way connected with the cause of the death.
Welsh v. Pennsylvania R. Co. (Pa.), vol. 14, p. 569.
- Irrelevant instructions as to duty of master in regard to shipping explosives.
Rush v. Spokane Falls & N. Ry. Co. (Wash.), vol. 20, p. 285.
- Issues in action for death of employee.
Louisville & N. R. Co. v. Jones (Ala.), vol. 23, p. 224.
- Joinder of master and negligent servant as defendants in action under Ky. St. § 6, giving right of action for death.
Winston v. Ill. Cent. R. Co. (Ky.), vol. 23, p. 454.
- Joining agent and principal as defendants in an action to recover damages for a negligent act.
Warax v. Cincinnati, N. O. & T. P. R. Co. (U. S.), vol. 3, p. 650.
- Joint liability of railroads jointly using road for injury to servant.
Louisville & N. R. Co. v. C. & O. R. Co. (Ky.), vol. 16, p. 539.
- "Kicking back" cars not negligence per se.
Florida Cent. & P. R. Co. v. Mooney (Fla.), vol. 12, p. 722.
- Killing of employee on track.
St. Louis & S. F. Ry. Co. v. Miles (C. C. A.), vol. 10, p. 585.
- Killing of employee on track, contributory negligence.
Foss v. Old Colony R. Co. (Mass.), vol. 11, p. 41.
- Knowledge of master of incompetency of servant.
Tex. & P. R. Co. v. Johnson (Tenn.), vol. 4, p. 441.
- Lex loci, in action for injury to employee.
Brewster v. Chicago & N. W. Ry. Co. (Iowa), vol. 21, p. 399.

MASTER AND SERVANT—MASTER AND SERVANT—

Continued.

- Liability for death of employee arising from dangerous premises.
Grimmelman *v.* Union Pac. Ry. Co. (Iowa), vol. 8, p. 321.
- Liability for death of employee caused by collision of hand cars.
Alabama Mineral R. Co. *v.* Jones (Ala.), vol. 8, p. 383.
- Liability for death of employee caused by excessive speed within city limits.
East St. Louis Connecting Ry. Co. *v.* Eggman (Ill.), vol. 9, p. 438.
- Liability for death of employee from overhead bridge.
Fitzgerald *v.* New York Cent. & H. R. R. Co. (N. Y.), vol. 9, p. 434.
- Liability for ejection of trespasser from moving train by brakeman acting without authority.
Cook *v.* Southern Ry. Co. (N. Car.), vol. 21, p. 591.
- Liability for failure to furnish automatic couplers.
Harden *v.* North Carolina R. Co. (N. Car.), vol. 23, p. 895.
- Liability for failure to keep roadbed in repair in action for injury to brakeman.
Chesapeake & N. R. Co. *v.* Venable (Ky.), vol. 21, p. 449.
- Liability for failure to warn servant.
Daly *v.* Kiel (La.), vol. 22, p. 320.
- Liability for incompetency of servant.
Texas & P. R. Co. *v.* Johnson (Tenn.), vol. 4, p. 441.
- Liability for injury to employee from sudden checking of train.
Louisville & N. R. Co. *v.* Smith (Ala.), vol. 23, p. 218.
- Liability for injury to employee using defective drain pipe in climbing upon engine.
Coley *v.* N. Car. R. Co. (N. Car.), vol. 23, p. 885.
- Liability for injury to switchman caused by gross negligence of engineer.
Illinois Cent. R. Co. *v.* Stewart (Ky.), vol. 21, p. 874.
- Liability for intentional killing by employee guarding property.
Lipscomb *v.* Houston & T. C. Ry. Co. (Tex.), vol. 23, p. 401.

Continued.

- Liability for negligence of employees in allowing child to ride on car loaded with loose earth.
Burke *v.* Ellis (Tenn.), vol. 19, p. 695.
- Liability for negligence of fellow servant under statute of Georgia.
Southern Ry. Co. *v.* Johnson (Ga.), vol. 23, p. 840.
- Liability for wanton or wilful misconduct of employees to each other, under employers' liability act of Alabama.
Southern Ry. Co. *v.* Moore (Ala.), vol. 20, p. 896.
- Liability of company for acts of employee not in actual employment.
Blevins *v.* Atchison, Topeka, etc., R. Co. (Okla.), vol. 2, p. 329.
- Liability of company for injury to person on train at instance of unauthorized employee.
Chicago, St. Paul, etc., R. Co. *v.* Bryant (C. C. A.), vol. 2, p. 319.
- Liability of company for injury to third person where the act is within the scope of the servant's employment though the particular act was not authorized.
Gray *v.* Boston & M. R. R. (Mass.), vol. 8, p. 481.
- Larsson *v.* McClure (Wis.), vol. 8, p. 763.
- Liability of company for loss of servant's luggage containing master's property.
Meux *v.* Great Eastern Ry. Co. (Eng.), vol. 2, p. 464.
- Liability of electric railroad company where an employee is injured by grasping a span wire which passed over the trolley wire and, not having been insulated, shocked the employee.
McAdam *v.* Central Ry. & Electric Co. (Conn.), vol. 5, p. 7.
- Liability of master depends upon proximate cause.
Central of Georgia Ry. Co. *v.* Edwards (Ga.), vol. 19, p. 779.
- Liability of master for acts of servant.
Rowell *v.* Boston & M. R. Co. (N. H.), vol. 16, p. 571.

- MASTER AND SERVANT—**
Continued.
- Liability of master for assault by servant not within scope of employment.
Turley v. Boston & M. R. R. (N. H.), vol. 20, p. 440.
 - Liability of master for death of brakeman on foreign car passing under bridge as affected by fact that company had cars of same height.
Louisville & N. R. Co. v. Tucker (Ky.), vol. 23, p. 876.
 - Liability of master for injury to servant employed by conductor in an emergency.
Louisville & N. R. Co. v. Ginley (Tenn.), vol. 11, p. 443.
 - Liability of master for injury to servant while riding to dinner on hand car.
Benson v. Chicago, St. P., M. & O. Ry. Co. (Minn.), vol. 16, p. 546.
 - Liability of master for injury to third person by negligence of servant.
McCann v. Consolidated Traction Co. (N. J.), vol. 7, p. 280.
 - Liability of master for manner of ejection of person from car.
Rowell v. Boston & M. R. Co. (N. H.), vol. 16, p. 571.
 - Liability of master for negligence of fellow servant.
Creswell v. Wilmington & N. R. Co. (Del.), vol. 14, p. 625.
Smith v. St. Louis & S. F. Ry. Co. (Mo.), vol. 14, p. 609.
 - Liability of master for negligence of independent contractor.
Norfolk & W. Ry. Co. v. Stevens (Va.), vol. 16, p. 468.
 - Liability of master for personal injury caused by unauthorized act of servant.
Wilson v. Pennsylvania R. Co. (N. J.), vol. 16, p. 835.
 - Liability of master for servant's error of judgment when confronted by sudden emergency.
Lewis v. Long Island R. Co. (N. Y.), vol. 18, p. 1.
 - Liability of master for wilful torts of servant.
Central of Georgia Ry. Co. v. Brown (Ga.), vol. 21, p. 561.
 - Liability of master for wrongful act of employee.
Columbus, etc., Ry. Co. v. Christian (Ga.), vol. 5, p. 584.
- MASTER AND SERVANT—**
Continued.
- Liability of master, question for jury.
Hooper v. Great Northern Ry. Co. (Minn.), vol. 19, p. 1.
 - Liability of railroad company for acts of employees.
Chicago, K. & N. Ry. Co. v. Parkinson (Kan.), vol. 3, p. 464.
 - Georgia R., etc., Co. v. Richmond (Ga.)*, vol. 5, p. 707.
 - Liability of railroad for act of its conductor in expelling passenger.
Higgins v. Southern Ry. Co. (Ga.), vol. 5, p. 694.
 - Liability of railroad for homicide of employee.
Columbus, etc., R. Co. v. Christian (Ga.), vol. 5, p. 584.
 - Liability of railroad for injury to employee under age.
Taylor v. Chesapeake & O. Ry. Co. (W. Va.), vol. 4, p. 115.
 - Liability of railroad where employee working near track is injured by a chunk of coal falling from a passing engine.
Croll v. Atchison, etc., R. Co. (Kan.), vol. 5, p. 608.
 - Liability of receivers for injuries to employees.
Peirce v. Van Dusen (C. C. A.), vol. 7, p. 1.
 - Liability where servant injures himself in obeying command in lifting a cross tie which was too heavy for him.
Worlds v. Georgia R. Co. (Ga.), vol. 5, p. 514.
 - Making flying switch not negligence per se.
Fox v. Pennsylvania R. Co. (Pa.), vol. 18, p. 198.
 - Hunt v. Hurd (C. C. A.)*, vol. 18, p. 741.
 - Master liable for death of servant caused by burning of trestle ignited through its negligence in allowing inflammable debris to accumulate around it.
Bateman v. Peninsular Ry. Co. (Wash.), vol. 12, p. 678.
 - Master liable for injury to servant where negligence of vice principal was proximate cause, although negligence of fellow servant was also contributory.
Felton v. Harbeson (C. C. A.), vol. 20, p. 131.

- MASTER AND SERVANT—**
Continued.
- Master not liable for wanton or malicious acts of employees.
 McAnally v. Pennsylvania R. Co. (Pa.), vol. 17, p. 741.
- Master not liable though negligent, for injury to employee, if such negligence was not the proximate cause of the injury.
 Little Rock & M. R. Co. v. Barry (C. C. A.), vol. 11, p. 453.
- Master not required to remove all snow from switchyards.
 Fay v. Chicago, St. P., M. & O. Ry. Co. (Minn.), vol. 12, p. 641.
- Master ordering servant to perform dangerous tasks not within the scope of his duty.
 Chicago, etc., R. Co. v. McCarty (Neb.), vol. 5, p. 507.
- Master, though negligent not liable for injury to servant if his negligence was not proximate cause of injury.
 Little Rock & M. R. Co. v. Barry (C. C. A.), vol. 11, p. 453.
- Measure of master's duty.
 Oliver v. Ohio River R. Co. (W. Va.), vol. 6, p. 783.
- Negligence and contributory negligence as question of law.
 Haltom v. Southern Ry. Co. (N. Car.), vol. 19, p. 776.
- Negligence and contributory negligence when questions of law, and when questions for jury.
 Ketterman v. Dry Fork R. Co. (W. Va.), vol. 19, p. 445.
- Negligence a question for jury.
 Bonnet v. Galveston, H. & S. A. R. Co. (Tex.), vol. 3, p. 437.
- Louisville & N. R. Co. v. Sander (Ky.), vol. 10, p. 528.
- Wood v. Chicago, etc., Ry. Co. (Minn.), vol. 5, p. 706.
- Negligence, bill of exceptions.
 Lemery v. Boston & M. R. Co. (Mass.), vol. 11, p. 17.
- Negligence, conductor ordering brakeman to scotch moving car with rock.
 Haltom v. Southern Ry. Co. (N. Car.), vol. 19, p. 776.
- Negligence in action for injury to employee.
 Wood v. Chicago, etc., Ry. Co. (Minn.), vol. 5, p. 706.
- MASTER AND SERVANT—**
Continued.
- Negligence in failing to furnish derailing switch and contributory negligence of employee in running train at prohibited speed.
 Norfolk & W. Ry. Co. v. Cromer (Va.), vol. 23, p. 720.
- Negligence in injuring switchman.
 Ferguson v. Chicago M. & St. P. Ry. Co. (Iowa), vol. 8, p. 241.
- Negligence in loading lumber on car, sufficiency of evidence.
 Bryan v. Southern Ry. Co. (N. Car.), vol. 21, p. 542.
- Negligence in issuing train orders.
 Fairman v. Boston & A. R. Co. (Mass.), vol. 9, p. 83.
- Negligence in running handcars together was a question for jury.
 Alabama Mineral R. Co. v. Jones (Ala.), vol. 8, p. 383.
- Negligence of engineer in stopping train before he was signaled.
 DeWhirst v. Boston, etc., R. Co. (Mass.), vol. 6, p. 785.
- Reese v. Wheeling, etc., R. Co. (W. Va.), vol. 6, p. 786.
- Negligence of fellow servant concurring with negligence of master.
 Fluhner v. Lake Shore & M. S. Ry. Co. (Mich.), vol. 17, p. 463.
- Negligence of master in not giving information to servant.
 Mitchell v. Boston, etc., R. Co. (N. H.), vol. 4, p. 256.
- Negligence of superintendent, injuries to employee.
 Fairman v. Boston & A. R. Co. (Mass.), vol. 9, p. 83.
- Negligence of superior servant engaged in manual labor must be gross to create liability.
 Illinois Cent. R. Co. v. Coleman (Ky.), vol. 19, p. 285.
- Negligence of tower man.
 Fairman v. Boston & A. R. Co. (Mass.), vol. 9, p. 83.
- Negligence of track foreman causing collision between hand car and train as negligence of company.
 Allison v. Southern Ry. Co. (N. Car.), vol. 23, p. 714.

MASTER AND SERVANT—MASTER AND SERVANT—

Continued.

Negligence of train dispatcher in failing to notify of approach of another train.

Rinard *v.* Omaha, K. C. & E. Ry. Co. (Mo.), vol. 22, p. 34.

Negligence of vice principal.

Chattanooga Elec. Ry. Co. *v.* Lawson (Tenn.), vol. 12, p. 669.

Negligence, question for jury in action for death of employee caused by collision between hand cars.

Alabama Min. R. Co. *v.* Jones (Ala.), vol. 15, p. 752.

Negligence question for jury, in action for injury to brakeman on track caused by defective brake.

Mexican Cent. Ry. Co. *v.* Jones (C. C. A.), vol. 21, p. 200.

Negligence, sufficiency of evidence in action for injury to employee loading timber on train caused by backing car.

Freeman *v.* Illinois Cent. R. Co. (Tenn.), vol. 22, p. 49.

Negligence under Mich. Comp. Laws, sec. 6313, requiring the blocking of frogs, question for jury.

Jones *v.* Flint & P. M. R. Co. (Mich.), vol. 21, p. 904.

Negligence where employee is injured on track.

Fisher *v.* Louisville, etc., Ry. Co. (Ind.), vol. 6, p. 785.

Negligent blasting, question for jury.

Louisville & N. R. Co. *v.* Tow (Ky.), vol. 21, p. 442.

Nonassignable duties.

Pool *v.* Southern Pac. Co. (Utah), vol. 16, p. 551.

No presumption of in case of accident to employee.

Patton *v.* Texas & Pac. Ry. Co. (U. S.), vol. 20, p. 48.

No separable controversy where joint action against employer and employee.

Chesapeake & Ohio Ry. Co. *v.* Dixon (U. S.), vol. 21, p. 79.

Notice of defect in cars.

Meyers *v.* Ill. Cent. R. Co. (La. Ann.), vol. 6, p. 786.

Notice of injury to employee, compliance with statute.

De Forge *v.* New York, N. H. & H. R. R. (Mass.), vol. 20, p. 492.

Continued.

Notice to brakeman that digging was being done between ties was sufficient without warning him as to the existence of unblocked frogs.

Hauss *v.* Lake Erie & W. R. Co. (C. C. A.), vol. 22, p. 864.

Notice to servant when notice to master.

Comer *v.* Hill (Ga.), vol. 11, p. 3.

Obstructions near track, negligence.

Whipple *v.* New York, etc., R. Co. (R. I.), vol. 5, p. 517.

Oral contract of employment, validity.

Sax *v.* Detroit, etc., Ry. Co. (Mich.), vol. 20, p. 653.

Passenger, employee as.

Wright *v.* Northampton & H. R. Co. (N. Car.), vol. 10, p. 151.

Passengers, employees riding to work.

Chattanooga Rapid-Transit Co. *v.* Venable (Tenn.), vol. 19, p. 768.

Placing cattle chute near track, as negligence.

Wood *v.* Louisville & N. R. Co. (Tenn.), vol. 11, p. 525.

Plaintiff cannot recover in an action for damages for the negligent killing of his intestate where it appears from the evidence that the death may have resulted from one of several possible causes, some of which were irreconcilable with the possibility of negligence on the part of the defendant.

Kenneson *v.* West End St. Ry. Co. (Mass.), vol. 9, p. 445.

Pleading and proof as to nature of personal injuries.

Mexican Cent. Ry. Co., Limited, *v.* Glover (C. C. A.), vol. 21, p. 272.

Pleading and proof in action based on failure to have sufficient yard fence.

Young *v.* Syracuse, B. & N. Y. R. Co. (N. Y.), vol. 21, p. 11.

Pleading, specifications of negligence.

Lemery *v.* Boston & M. R. Co. (Mass.), vol. 11, p. 17.

- MASTER AND SERVANT—**
Continued.
- Presumptions.**
- An accident to an employee raises no presumption of negligence on the part of the employer.
- Ketterman *v.* Dry Fork R. Co. (W. Va.), vol. 19, p. 445.
- Lincoln St. Ry. Co. *v.* Cox (Neb.), vol. 4, p. 273.
- Patton *v.* Texas & Pac. Ry. Co. (U. S.), vol. 20, p. 48.
- As to foreign laws relating to master's liability for injury to employee.
- Mexican Cent. Ry. Co., Limited, *v.* Glover (C. C. A.), vol. 21, p. 272.
- In action for injury to employee.
- Atchison, T. & S. F. R. Co. *v.* Tindall (Kan.), vol. 6, p. 557.
- No presumption of negligence in action for injury to employee based on negligence in inspection of cars.
- Hodges *v.* Kimball (C. C. A.), vol. 19, p. 755.
- Presumption as to existence of employers' liability act in another state.
- MacCarthy *v.* Whitcomb (Wis.), vol. 20, p. 860.
- Presumption of negligence when collision or derailment causes injury to employee.
- Wright *v.* Southern Ry. Co. (N. Car.), vol. 20, p. 157.
- Presumption of negligence where plaintiff has not shown himself free from fault.
- Florida Cent. & P. R. Co. *v.* Burney (Ga.), vol. 6, p. 543.
- Rebutting presumption of negligence arising from injury to servant from defect in car.
- Fulton *v.* Bullard (C. C. A.), vol. 14, p. 547.
- Proximate cause of death of employee where message from train dispatcher was misunderstood, question for jury.
- Southern Pac. Co. *v.* Yeargin (C. C. A.), vol. 22, p. 459.
- Proximate cause of injury to employer coupling cars.
- Hannigan *v.* Lehigh & H. R. Ry. Co. (N. Y.), vol. 12, p. 605.
- MASTER AND SERVANT—**
Continued.
- Proximate cause of injury to employee, question for jury.
- Wright *v.* Southern Pac. Co. (Utah), vol. 5, p. 560.
- Proximate cause of injury to servant.
- Weisel *v.* Eastern Ry. Co. of Minnesota (Minn.), vol. 17, p. 446.
- Proximate cause where an associate alleged to have been acting as vice principal, slipped while holding in position a pole which fell upon and injured plaintiff.
- Hunter *v.* Kansas City & M. Ry. & Bridge Co. (C. C. A.), vol. 10, p. 620.
- Question for jury as to the cause of death of brakeman.
- Jones *v.* Flint & P. M. R. Co. (Mich.), vol. 21, p. 904.
- Question for jury, liability for injury to inexperienced servant from coupling cars.
- Louisville & N. R. Co. *v.* Miller (C. C. A.), vol. 19, p. 501.
- Question for jury whether warning was given to employee, in action for his injury.
- Hooper *v.* Great Northern Ry. Co. (Minn.), vol. 19, p. 1.
- Question of master's negligence in using an arrangement of wires in general use is for jury.
- Indiana, I. & I. R. Co. *v.* Bundy (Ind.), vol. 14, p. 660.
- Question of safe place to work, for jury.
- Doing *v.* New York, O. & W. Ry. Co. (N. Y.), vol. 9, p. 69.
- Question of whether action was called for from railroad in emergency to secure the safe running of trains was for jury.
- Sprague *v.* N. Y. & N. E. R. Co. (Conn.), vol. 6, p. 638.
- Railroad company permitting an electric car company to place wires over its track in such a manner as to injure its servants is guilty of negligence.
- Erslew *v.* New Orleans & N. E. R. Co. (La.), vol. 6, p. 436.
- Railroad using track of another company constitutes the servants of the latter its agents.
- Murray *v.* Lehigh Valley R. Co. (Conn.), vol. 4, p. 210.

MASTER AND SERVANT—MASTER AND SERVANT—

Continued.

Receiver's liability for injury to servant.

Walker *v.* Gillett (Kan.), vol. 10, p. 140.

Release.

Acceptance of aid from relief fund as release of claim for damages.

Beck *v.* Pennsylvania R. Co. (N. J.), vol. 15, p. 851.

Burden of proving discharge for good cause in action for breach of contract releasing claim for damages for personal injuries in consideration of future employment.

Rhoades *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 22, p. 283.

Consideration.

Potter *v.* Detroit, G. H. & M. Ry. Co. (Mich.), vol. 16, p. 264.

Contract of employment as consideration for release of liability to servant for personal injuries.

Sax *v.* Detroit, etc., Ry. Co. (Mich.), vol. 20, p. 653.

Effect of acceptance by servant of benefits.

Petty *v.* Brunswick & W. Ry. Co. (Ga.), vol. 16, p. 840.

Effect of failure of servant to make full tender of benefits received under contracts releasing master.

Johnson *v.* Charleston & S. Ry. Co. (S. Car.), vol. 18, p. 556.

Execution of release of claim for damages and acceptance of benefits does not estop injured employee from maintaining action.

Johnson *v.* Charleston & S. Ry. Co. (S. Car.), vol. 12, p. 761.

Mutuality.

Petty *v.* Brunswick & W. Ry. Co. (Ga.), vol. 16, p. 840.

Of claim for damages for personal injuries in consideration of future employment, certainty and mutuality in agreement.

Rhoades *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 22, p. 283.

Continued.

Release executed by servant is not void, although he is required to contribute to relief fund on entering service, where he is allowed, after being injured, to exercise his choice between suing for injuries and accepting benefits.

Johnson *v.* Charleston & S. Ry. Co. (S. Car.), vol. 12, p. 762.

Release of master from liability in consideration of benefits not contrary to public policy.

Petty *v.* Brunswick & W. Ry. Co. (Ga.), vol. 16, p. 840.

Release signed in consideration of receipt of benefits from sick fund is binding.

Johnson *v.* Charleston & S. Ry. Co. (S. Car.), vol. 12, p. 762.

Right of employee to rely on statements of company's representative.

Great Northern Ry. Co. *v.* Kasischke (C. C. A.), vol. 19, p. 406.

Sufficiency of evidence.

Great Northern Ry. Co. *v.* Kasischke (C. C. A.), vol. 19, p. 406.

Right to garnish one railroad company on judgment against employee of another, where they have officers in common.

St. Louis S. W. Ry. Co. *v.* Gate City Co-op. Grocery Co. (Ark.), vol. 23, p. 875.

Right to recover for injuries to employee inflicted in foreign country.

Mexican Cent. Ry. Co. *v.* Jones (C. C. A.), vol. 21, p. 200.

Right to remove cause to federal court on ground of diversity of citizenship where joinder of nonresident railroad company and its negligent resident employees.

Winston *v.* Ill. Cent. R. Co. (Ky.), vol. 23, p. 454.

Rules.

Abandonment of rules, occasional violations.

Louisville & N. R. Co. *v.* Scanlon (Ky.), vol. 22, p. 833.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

Abrogation.

Konold *v.* Rio Grande W.
Ry. Co. (Utah), vol. 17, p.
450.

Admissibility in evidence of
book of rules for govern-
ment of employees.

Mosnat *v.* Chicago & N. W.
Ry. Co. (Iowa), vol. 21, p.
609.

Admissibility of evidence to
prove waiver.

Tullis *v.* Lake Erie & W. R.
Co. (C. C. A.), vol. 20, p.
335.

Car coupler going between
cars in disobedience of
orders.

Louisville & N. R. Co. *v.*
Bowcock (Ky.), vol. 17, p.
421.

Disregard of rules as negli-
gence.

Atchison, etc., R. Co. *v.*
Slattery (Kan.), vol. 8, p.
764.

Failure of division superin-
tendent to comply with
rules of company the prox-
imate cause of collision.

Louisville, N. A. & C. Ry.
Co. *v.* Heck (Ind.), vol. 11,
p. 382.

Failure of master to make and
enforce proper rules not a
sufficient averment of an
element of negligence upon
which to base an action for
injuries to an employee.

Delaware, L. & W. R. Co. *v.*
Voss (N. J.), vol. 12, p.
820.

Habitual disregard of rules.

Alabama, etc., R. Co. *v.*
Roach (Ala.), vol. 5, p.
706.

Implied waiver, question for
jury.

Tullis *v.* Lake Erie & W. R.
Co. (C. C. A.), vol. 20, p.
335.

Liability for death of employee
as affected by failure to pro-
vide rules for signals in
switch yards.

Louisville & N. R. Co. *v.*
York (Ala.), vol. 23, p.
470.

Liability of master for failure
to make and enforce.

Delaware, L. & W. R. Co. *v.*

Continued.

Voss (N. J.), vol. 12, p.
820.

Negligence in failing to pro-
vide rules for the operation
of hand cars.

Wallin *v.* Eastern Ry. Co.
of Minnesota (Minn.),
vol. 21, p. 611.

Notice of.

Louisville & N. R. Co. *v.*
Bowcock (Ky.), vol. 17, p.
421.

Rules customarily violated
will be deemed abrogated.

Fluhrer *v.* Lake Shore & M.
S. Ry. Co. (Mich.), vol. 18,
p. 153.

Rules, duty of master to make.

Pool *v.* Southern Pac. Co.
(Utah), vol. 16, p. 551.

Rules for government of
employees as evidence in
action for injury to em-
ployees.

Caron *v.* Boston, etc., R.
Co. (Mass.), vol. 5, p. 705.

Rules of railroad company
requiring company to inspect
cars, construction.

Baltimore & O. R. Co. *v.*
Burris (C. C. A.), vol. 23,
p. 912.

Servant at work on track at
crossing cannot rely on rule
of company requiring look-
out on rear of car backing
over crossing.

Carlson *v.* Cincinnati, S. &
M. R. Co. (Mich.), vol. 14,
p. 803.

Servant without knowledge
or notice of rules not bound
thereby.

Chicago, B. & O. R. Co. *v.*
Oyster (Neb.), vol. 12, p.
656.

Sufficiency of rules to prevent
collisions.

Little Rock & M. R. Co. *v.*
Barry (C. C. A.), vol. 11,
p. 453.

Violation of rules.

Wright *v.* Southern Pac. Co.
(Utah), vol. 5, p. 560.

Violation of rule prohibiting
servants from going be-
tween cars to couple them is
contributory negligence.

Fluhrer *v.* Lake Shore & M.
S. Ry. Co. (Mich.), vol. 17,
p. 463.

MASTER AND SERVANT— MASTER AND SERVANT—

Continued.

Waiver by master.

Louisville & N. R. Co. v.
Bowcock (Ky.), vol. 17, p.
421.Louisville & N. R. Co. v.
Hiltner (Ky.), vol. 20, p.
279.Where a company's rules
give to a train dispatcher's
act all the effect of an act
of the division superin-
tendent the company is re-
sponsible therefor in the
same degree as for an act of
such superintendent.Louisville, N. A. & C. Ry.
Co. v. Heck (Ind.), vol.
11, p. 382.

Safe place for work.

Doyle v. Toledo, S. & M. Ry.
Co. (Mich.), vol. 22, p. 294.Safe place to work, duty of
master.Nicholas v. Burlington, C.
R. & N. Ry. Co. (Minn.),
vol. 16, p. 341.Pahlan v. Detroit, G. H. & M.
Ry. Co. (Mich.), vol. 16,
p. 309.Safe place to work, failure to
furnish for car repairer.Pool v. Southern Pac. Co.
(Utah), vol. 16, p. 551.Safe place to work, servant may
assume that master has pro-
vided.Indiana, I. & I. R. Co. v.
Bundy (Ind.), vol. 14, p.
660.Safe place to work, servant's
right to presume that master
has furnished.Pool v. Southern Pac. Co.
(Utah), vol. 16, p. 551.Scope of employment, ejection
by employee whose duty
it was to keep waiting room
in station clean, and to keep
the room clear of loafers.Gray v. Boston & M. R. R.
(Mass.), vol. 8, p. 481.Section man killed while rid-
ing upon hand car, the car
being struck.Hinz v. Chicago, B. & N.
R. Co. (Wis.), vol. 3, p. 611.Servant chargeable with notice
of slipperiness of snow
in yard and danger there-
from.Fay v. Chicago, St. P., M. &
O. Ry. Co. (Minn.), vol.
12, p. 641.*Continued.*Servant has cause of action
for injuries received by being
struck by body of trespasser
negligently killed by com-
pany.Western & A. R. Co. v.
Bailey (Ga.), vol. 12, p. 739.Servant injured while perform-
ing work outside of his duty.Gavigan v. Lake Shore,
etc., Ry. Co. (Mich.), vol.
5, p. 523.Signals, failure to give, as to
movements of cars as negli-
gence where cause of injury
to employee.Hooper v. Great Northern Ry.
Co. (Minn.), vol. 19, p. 1.Structure near track, negli-
gence.Wood v. Louisville & N. R.
Co. (C. C. Tenn.), vol. 11,
p. 525.Sufficiency of complaint in ac-
tion for injury to telegraph
operator while crossing
track at station.Indianapolis Union Ry. Co.
v. Houlihan (Ind.), vol.
21, p. 915.Sufficiency of complaint under
employers' liability act of
Minnesota, in action for in-
jury to employee in collision
between hand cars.Wallin v. Eastern Ry. Co.
of Minnesota (Minn.), vol.
21, p. 611.Sufficiency of evidence of cause
of death of brakeman injured
on top of car.Louisville & N. R. Co. v.
Tucker (Ky.), vol. 23, p.
876.Sufficiency of evidence of negli-
gence in action for death of
employee in collision result-
ing from absence of flagman.Rinard v. Omaha, K., C. &
E. Ry. Co. (Mo.), vol. 22,
p. 34.Sufficiency of evidence of negli-
gence in action for injury
to employee from derailling of
hand car.Koralewski v. Great Northern
Ry. Co. (Minn.), vol. 23, p.
918.Sufficiency of evidence to show
master's negligence.Lake Shore & M. S. Ry. Co.
v. Andrews (Ohio), vol.
12, p. 545.

MASTER AND SERVANT—MASTER AND SERVANT—

Continued.

Sufficiency of inspection of car a question for jury.

Fulton *v.* Bullard (C. C. A.), vol. 14, p. 547.

Sufficiency of petition failing to allege that engineer of backing train negligently failed to see signals, in action for injury to brakeman coupling cars.

Cambron *v.* Omaha, etc., R. Co. (Mo.), vol. 23, p. 634.

Sufficiency of rules a question of law.

Little Rock & M. R. Co. *v.* Barry (C. C. A.), vol. 11, p. 453.

Termination of contract of employment of injured employee.

Tennessee Coal, Iron & R. Co. *v.* Pierce (C. C. A.), vol. 8, p. 742.

Test of negligence in maintaining obstruction near track.

New York, C. & St. L. R. Co. *v.* Ostman (Ind.), vol. 6, p. 588.

Under employers' liability act of Alabama there may be recovery for wilfulness, wantonness, or intentional wrong.

Louisville & N. R. Co. *v.* York (Ala.), vol. 23, p. 470.

Under our jurisprudence it is not essential, in a suit against a corporation for damages caused by its agent, to aver that the corporation had the power to prevent the act of the agent and failed to do so.

Nelson *v.* Crescent City R. Co. (La.), vol. 7, p. 192.

Violation of ordinance regulating the running of trains as negligence, in action for injury to employee.

Baltimore, etc., Ry. Co. *v.* Peterson (Ind.), vol. 20, p. 887.

Volunteers.

Acceptance of volunteer's services.

Wagen *v.* Minneapolis & St. L. R. Co. (Minn.), vol. 17, p. 438.

Care due person invited by servant to assist.

Cleveland T. & V. R. Co. *v.* Marsh (Ohio), vol. 20, p. 54.

Continued.

Liability for injury to.

Wagen *v.* Minneapolis & St. L. R. Co. (Minn.), vol. 17, p. 438.

Ward *v.* Louisville & N. R. Co. (Tenn.), vol. 7, p. 776.

Liability for injury to boy requested by employee to assist in revolving turn table, sufficiency of evidence.

Stacker *v.* Louisville & N. R. Co. (Tenn.), vol. 20, p. 704.

Master not liable for injury to servant caused by his voluntarily performing an act not in the scope of his employment.

Olson *v.* Minneapolis & St. L. R. Co. (Minn.), vol. 14, p. 770.

Whitton *v.* South Carolina & G. R. Co. (Ga.), vol. 14, p. 776.

Whether person requested by engineer to assist in management of train was a mere volunteer or an employee.

Mickelson *v.* New East Tintic Ry. Co. (Utah), vol. 20, p. 855.

Wages.

Notice to railroad of nonpayment by sub-contractor.

George *v.* Washington County R. Co. (Me.), vol. 15, p. 850.

Railroad liable for wages of laborers employed by sub-contractors.

George *v.* Washington County R. Co. (Me.), vol. 15, p. 850.

Waiver by servant of master's negligence in not removing obstruction near track.

Keist *v.* Chicago G. W. Ry. Co. (Iowa), vol. 16, p. 297.

Whether brakeman off duty, on his way to collect tickets in absence of the conductor, is acting in the line of his duty is a question for the jury.

Schimpf *v.* Harris (Pa.), vol. 11, p. 470.

Whether projecting ties was the cause of injuries to conductor alighting from car was a question for jury.

Whitcher *v.* Boston & M. R. Co. (N. H.), vol. 20, p. 540.

MASTER AND SERVANT—*Continued.*

Whether violation of rule by train despatcher in sending order for passing of trains was proximate cause of killing of fireman of a train which, in violation of rule, was not stopped before passing signal board, question for jury.

Felton *v.* Harbeson (C. C. A.), vol. 20, p. 131.

Wrongful discharge.

Rosenberger *v.* Pac. Coast R. Co. (Cal.), vol. 3, p. 436.

Yearly hiring.

Rosenberger *v.* Pacific Coast R. Co. (Cal.), vol. 3, p. 437.

MATTERS OF COMMON KNOWLEDGE.*See Evidence.***MEASURE OF DAMAGES.***See Carriers of Goods.**Carriers of Live Stock.**Carriers of Passengers.**Children.**Crossings.**Damages.**Death by Wrongful Act.**Elevated Railroads.**Eminent Domain.**Master and Servant.**Personal Injuries.**Railroads in Streets.**Street Railways.***MECHANIC'S LIEN.***See Liens.*

Construction of South Carolina statute.

Greenwood, etc., Ry. Co. *v.* Strang (U. S.), vol. 6, p. 788.

MEDICAL ATTENDANCE.*See Carriers of Passengers.**Damages.**Trespassers.*

Authority of conductor to employ physician.

Adams *v.* Southern Ry. Co. (N. Car.), vol. 16, p. 369.

Evidence as to cost of, in action for personal injuries.

Robertson *v.* Wabash R. Co. (Mo.), vol. 16, p. 16.

MEDICAL EXPENSES.*See Damages.***MEDICAL EXPERTS.***See Evidence.*

Admissibility of opinion, evidence of.

Fulmore *v.* St. Paul City Ry. Co. (Minn.), vol. 11, p. 636.

MENTAL SUFFERING.*See Damages.***MERCHANDISE.***See Baggage.**Carriers of Goods.***MILEAGE.***See Taxation.***MILEAGE BOOKS.***See Tickets and Fares.***MINES AND MINING CLAIMS.**

Purchase by railway company of minerals underlying its right of way.

In re Lord Gerard and London & Northwestern R. Co. (Eng.), vol. 1, p. 717.

MINORS.*See Children.***MINUTES.***See Evidence.***MISCARRIAGE.***See Damages.***MISJOINDER.**

Action against railroad company and employees for personal injuries.

Pugh *v.* Chesapeake & O. Ry. Co. (Ky.), vol. 8, p. 303.

MISREPRESENTATIONS.*See Contracts.***MISSHIPMENT.***See Carriers of Goods.***MISSOURI DECISION.***See Trains.***MISTAKE.***See Carriers of Goods.***MITIGATION OF DAMAGES.***See Damages.***MIXED TRAINS.***See Carriers of Passengers.*

MODELS.

See Evidence.

MONEY.

See Baggage.

Legal Tender.

MORTALITY TABLES.

See Evidence.

Judicial Notice.

Admissibility in evidence.

Atchison, Topeka & Santa Fe R. Co. v. Hughes (Kan.), vol. 2, p. 248.

As evidence.

Arkansas Midland Ry. Co. v. Griffith (Ark.), vol. 9, p. 846.

Harrison v. Sutter St. Ry. Co. (Cal.), vol. 8, p. 201.

Louisville & N. R. Co. v. Kelly (Ky.), vol. 7, p. 166.

Macon, etc., R. Co. v. Moore (Ga.), vol. 5, p. 355.

Carlisle tables.

Camden & A. R. Co. v. Williams (N. J.), vol. 11, p. 600.

Charge to jury in regard to use of mortality tables.

Savannah, F. & W. Ry. Co. v. Austin (Ga.), vol. 11, p. 539.

Error of court in charging as to the methods of using mortality and annuity tables.

Florida Cent. & P. R. Co. v. Burney (Ga.), vol. 6, p. 543.

Right to receive in evidence.

Camden & A. R. Co. v. Williams (N. J. App.), vol. 11, p. 600.

MORTGAGES.

See Bondholders.

Foreclosure Sale.

Preferential Claims.

Receivers.

Reorganization.

After-acquired property.

Central Trust Co. of N. Y. v. Chattanooga, R. & C. R. Co. (C. C. A.), vol. 17, p. 548.

Con. & Building Co. v. Continental Trust Co. (C. C. A.), vol. 21, p. 487.

Car rental contracted prior to receivership not a preferential claim.

Grand Trunk Ry. Co. v. Central Vermont R. Co. (Vt.), vol. 12, p. 865.

MORTGAGES—Continued.

Construction of charter.

Georgia, S. & F. Ry. Co. v. Barton (Ga.), vol. 10, p. 446.

Construction of Georgia statute.

Georgia, S. & F. Ry. Co. v. Barton (Ga.), vol. 10, p. 446.

Contracts of mortgagor not binding on mortgagee.

Western Union Tel. Co. v. Ann Arbor R. Co. (C. C. A.), vol. 13, p. 395.

Eminent Domain.

Exercise of right of eminent domain with respect to a right of way, by company owning it, and its effect on mortgage lien.

Chicago, Kansas & Western R. Co. v. Need (Kan.), vol. 3, p. 236.

Improvements by railroad passing to purchaser at foreclosure sale.

Briggs v. Chicago, K. & W. R. Co. (Kan.), vol. 3, p. 446.

Judgment for damages in condemnation proceedings preferred to.

Central Trust Co. of N. Y. v. Hennen (C. C. A.), vol. 13, p. 409.

Right to condemn mortgage lien.

Chicago, Kansas & Western R. Co. v. Need (Kan.), vol. 3, p. 236.

Foreclosure.

Issues.

Sioux City, O. & W. Ry. Co. v. Manhattan Trust Co. (C. C. A.), vol. 15, p. 430.

Laches of intervening creditor.

Louisville Trust Co. v. Louisville, N. A. & C. Ry. Co. (U. S.), vol. 15, p. 256.

Liability for negligence after foreclosure sale and pending delivery to purchaser.

Fidelity Insurance, Trust & Safe Deposit Co. v. Norfolk & W. R. Co. (Va.), vol. 12, p. 873.

Liability of purchaser at foreclosure sale.

Atchison, T. & S. F. Ry. Co. v. Young (Ind. Ter.), vol. 17, p. 645.

MORTGAGES—Continued.**Liens.**

Terre Haute & I. R. Co. v. Harrison (C. C. A.), vol. 15, p. 272.

Priority of claim for betterments over mortgage.

Terre Haute & I. R. Co. v. Harrison (C. C. A.), vol. 15, p. 272.

Priority of unsecured claims.

Louisville Trust Co. v. Louisville, N. A. & C. Ry. Co. (U. S.), vol. 15, p. 256.

Proceedings to foreclose mortgage on railroad situated in several states.

Farmers' Loan & Trust Co. v. Northern Pac. R. Co. (U. S.), vol. 3, p. 450.

Rights of intervening creditor where there is collision between mortgagor and mortgagee.

Louisville Trust Co. v. Louisville, N. A. & C. Ry. Co. (U. S.), vol. 15, p. 256.

Rights of purchaser at foreclosure sale.

St. Louis, K. & S. W. R. Co. v. Nyce (Kan.), vol. 16, p. 798.

Rights of stockholders.

Louisville Trust Co. v. Louisville, N. A. & C. Ry. Co. (U. S.), vol. 15, p. 256.

Liability for personal injuries of company in hands of mortgage trustees, but not exclusively under their control. *Pennsylvania Railroad Co. v. Jones* (U. S.), vol. 2, p. 390.

Mortgagor as plaintiff where property was burned by a fire set by locomotive.

Matthews v. Missouri Pac. Ry. Co. (Mo.), vol. 10, p. 673.

Parol evidence not admissible to show contents where there was no notice to produce instruments.

Sims v. Southern Ry. Co. (S. Car.), vol. 20, p. 76.

Power of railroad to mortgage after-acquired property.

Central Trust Co. of N. Y. v. Chattanooga, R. & C. R. Co. (C. C. A.), vol. 17, p. 548.

MORTGAGES—Continued.**Priorities.**

Columbus, S. & H. R. Co. Appeals (C. C. A.), vol. 22, p. 211.

Claims against receivers for work and material furnished prior to receivership where current income has not been diverted.

International Trust Co. v. T. B. Townsend Brick & Contracting Co. (C. C. A.), vol. 15, p. 310.

Priority between railroad mortgage and judgment for tort committed after execution of mortgage.

Green v. Coast Line R. Co. (Ga.), vol. 4, p. 150.

Priority of claims for supplies over mortgage debts. *Southern Ry. Co. v. Adams* (U. S.), vol. 6, p. 790.

Priority of mortgage over claims to indemnity of unsecured surety on supersedeas bond given by company subsequent to mortgage.

New York Security & T. Co. v. Louisville E. & St. L. C. R. Co. (Ind.), vol. 11, p. 878.

Priority of mortgage over subsequent judgment for damages for death by wrongful act.

Farmers' Loan & Trust Co. v. Nestelle (C. C. A.), vol. 11, p. 877.

New York Security & T. Co. v. Louisville E. & St. L. C. R. Co. (Ind.), vol. 11, p. 878.

Priority over judgments.

Veatch v. American Loan & Trust Co. (C. C. A.), vol. 10, p. 795.

Priority over subsequent judgment creditors.

Central Trust Co. of N. Y. v. Chattanooga, R. & C. R. Co. (C. C. A.), vol. 17, p. 548.

Priority over unsecured creditors.

Lackawanna, I. & C. Co. v. Farmers' L. & T. Co. (U. S.), vol. 17, p. 561.

The payment of mortgage liens on the property of a railway company will not be

MORTGAGES—Continued.

postponed to the payment of a judgment recovered against such company for personal injuries caused by the negligence of an employee of the company, where such liens existed at and before the time of the injury.

Farmers' Loan & Trust Co. *v.* Northern Pac. R. Co. (U. S.), vol. 9, p. 81.

Property covered by mortgage of after-acquired property.

Central Trust Co. of New York *v.* Chattanooga, R. & C. R. R. (Owens, Intervener) (Ga.), vol. 12, p. 869.

Railway mortgage covering proposed extension of road.

Hinchman *v.* Point Defiance R. Co. (Wash.), vol. 4, p. 265.

Right of mortgage lienholders.

Wichita & W. R. Co. *v.* Thayer (Kan.), vol. 3, p. 27.

Right of mortgagee to income after default where corpus is insufficient.

Central Trust Co. of New York *v.* Chattanooga, R. & C. R. Co. (C. C. A.), vol. 17, p. 548.

Right to earnings during receivership.

Central Trust Co. of N. Y. *v.* Chattanooga, R. & C. R. R. (Owens, Intervener) (Ga.), vol. 12, p. 869.

Street railways, mortgage on chattel property of street railroad.

Hinchman *v.* Point Defiance R. Co. (Wash.), vol. 4, p. 264.

Validity of mortgage of income.

Georgia, S. & F. Ry. Co. *v.* Barton (Ga.), vol. 10, p. 446.

Whether claims for personal injuries are personal claims.

Veatch *v.* American Loan & Trust Co. (C. C. A.), vol. 10, p. 795.

Whether expenditures for improvements continued by a receiver and sanctioned by a court are personal claims.

Veatch *v.* American Loan & Trust Co. (C. C. A.), vol. 10, p. 795.

MOTHER.

See Children.

MOVING TRAINS.

*See Carriers of Passengers.
Master and Servant.
Trespassers.*

MUNICIPAL AID.

See Bonds.

Counties.

Taxation.

Change of route as affecting municipal aid bonds.

Ravenswood, S. & G. Ry. Co. *v.* Town of Ravenswood (W. Va.), vol. 4, p. 145.

City not estopped to deny its authority to subscribe to bonds of foreign corporation where such bonds state on their face that they are issued under an act limiting such authority to subscribe to domestic corporations.

City of Johnson City *v.* Charleston C. & C. R. Co. (Tenn.), vol. 12, p. 867.

Constitutional law, sec. 24, ch. 39 and sec. 57, ch. 54, Code 1891, in allowing subscriptions by magisterial districts in aid of railroads and other works of internal improvement are not unconstitutional, and such subscriptions are valid.

Neale *v.* County Court of Wood County (W. Va.), vol. 7, p. 252.

Constitutional law, validity of municipal bonds to aid railroad company.

Town Council of Lexington *v.* Union Nat. Bank (Miss.), vol. 9, p. 321.

County indebtedness.

Neale *v.* County Court of Wood County (W. Va.), vol. 7, p. 252.

Coupons, interest.

Town Council of Lexington *v.* Union Nat. Bank (Miss.), vol. 9, p. 321.

Delivery of bond prior to completion of road.

Neale *v.* County Court of Wood County (W. Va.), vol. 7, p. 252.

Estoppel.

Town Council of Lexington *v.* Union Nat. Bank (Miss.), vol. 9, p. 321.

MUNICIPAL AID—Continued.

Injunction.

Neale *v.* County Court of Wood County (W. Va.), vol. 7, p. 252.

Location.

Lowell *v.* Washington County R. Co. (Me.), vol. 9, p. 115.

Municipal subscriptions to bonds of foreign corporations not authorized under laws of Tennessee.

City of Johnson City *v.* Charleston C. & C. R. Co. (Tenn.), vol. 12, p. 867.

National banks.

Town Council of Lexington *v.* Union Nat. Bank (Miss.), vol. 9, p. 321.

Negotiability of bonds.

Town Council of Lexington *v.* Union Nat. Bank (Miss.), vol. 9, p. 321.

Power of court to make levies.

Neale *v.* County Court of Wood County (W. Va.), vol. 7, p. 252.

Validity of issue, constitutional law.

City of Johnson City *v.* Charleston C. & C. R. Co. (Tenn.), vol. 12, p. 867.

MUNICIPAL CORPORATIONS.

See Elevated Railroads.

Eminent Domain.

Estoppel.

Municipal Aid.

Ordinances.

Ordinary Railroads in Streets.

Railroads in Streets.

Streets.

Street Railways.

Appointment of city commissioners by circuit judges.

City of Terre Haute *v.* Evansville, etc., R. Co. (Ind.), vol. 8, p. 760.

Bond to a city for the completion of street railway within a specified time.

City of Aberdeen *v.* Honey (Wash.), vol. 1, p. 163.

Constitutionality of city license tax where railroad is engaged in interstate commerce.

Alabama, G. S. R. Co. *v.* City of Bessemer (Ala.), vol. 6, p. 410.

MUNICIPAL CORPORATIONS—Continued.

Constitutional law, municipal ownership of street railways.

Sun Printing, etc., Ass'n *v.* Mayor of New York (N. Y.), vol. 8, p. 771.

Construction of grant.

Com. ex rel. Hensel, Atty. Gen., *v.* Union Pass. R. Co. (Pa.), vol. 1, p. 99.

Eminent domain, effect of execution by municipality of agreement to condemn land for use of railroad company. Dennis Long & Co. *v.* City of Louisville (Ky.), vol. 3, p. 213.

Eminent domain, municipal authority to condemn more land than necessary for railroad purposes.

Dennis Long & Co. *v.* City of Louisville (Ky.), vol. 3, p. 213.

Railroads in Streets.

Abatement of railroad as a nuisance.

Alabama & V. R. Co. *v.* Bloom (Miss.), vol. 1, p. 28.

A city cannot compel the removal of all railroad tracks from the public streets simply because those who live near the tracks are disturbed by those annoyances incident to the operation of all railroads.

City of Chicago *v.* Union Stock Yard & Transit Co. (Ill.), vol. 7, p. 490.

Consent to use of street.

Pennsylvania Schuylkill Val. R. Co. *v.* Phila. & R. R. Co. (Pa.), vol. 1, p. 26.

Failure to ring bell within corporate limits in violation of ordinance.

Missouri, K. & T. R. Co. *v.* McGlamory (Tex.), vol. 3, p. 434.

Impairment of obligation of contracts where the contract is between railroads and cities.

Chicago, B. & Q. R. Co. *v.* State of Nebraska (U. S.), vol. 10, p. 423.

MUNICIPAL CORPORATIONS—Continued.

It is competent for a state to supervise, control and change agreements between a city and a railroad company as to the construction and maintenance of a viaduct at an important crossing, within a populous city, saving any rights previously vested.

Chicago, B. & O. R. Co. v. State of Nebraska (U. S.), vol. 10, p. 423.

Municipal authorities estopped by acquiescence and affirmative acts from denying right of company to maintain its track in streets.

City of Chicago v. Union Stock Yard & Transit Co. (Ill.), vol. 7, p. 490.

Municipal consent to railroads in streets, ratification.

City of Owensboro v. Owensboro & N. R. Co. (Ky.), vol. 8, p. 155.

Ordinance requiring railroad companies to construct and keep in repair viaducts over streets crossed by their tracks.

Chicago, B. & O. R. Co. v. State ex rel. City of Omaha (Neb.), vol. 3, p. 578.

Railroad using its track in connection with stock yards and thereby creating a serious nuisance in streets of city does not authorize the destruction of its tracks by city authorities.

City of Chicago v. Union Stock Yard & Transit Co. (Ill.), vol. 7, p. 490.

Right of city to grant exclusive and permanent use of street to ordinary railroad.

Willamette Iron Works v. Oregon Railway & Navigation Co. (Ore.), vol. 1, p. 36.

Right of way of railroads through town.

People v. Craycroft (Cal.), vol. 3, p. 655.

Stock killed in municipal corporations.

Evans v. Sherman, etc., R. Co. (Tex.), vol. 5, p. 184.

MUNICIPAL CORPORATIONS—Continued.

Validity of ordinance compelling railway to keep watchman and gates.

Pittsburg, C. C. & St. L. R. Co. v. Town of Crown Point (Ind.), vol. 6, p. 324.

Violation of city ordinance in running engine.

St. Louis, etc., R. Co. v. Eggman (Ill.), vol. 4, p. 263.

Street Railways.

Acquiescence of municipality in change of motive power. Potter v. Scranton Traction Co. (Pa.), vol. 4, p. 307.

Arbitrarily rescinding grant to street railway.

Newark Pass. Ry. Co. v. Inhabitants of East Orange (N. J.), vol. 1, p. 219.

Authority to lay track in street, extent of grant.

Evans v. Chicago, St. P., M. & O. R. Co. (Wis.), vol. 1, p. 27.

Authority to use streets, duly given, is a binding contract upon city if acted upon.

City of Belleville v. Citizens' Horse Ry. Co. (Ill.), vol. 1, p. 26.

Avoidance of public grant for nonperformance of condition subsequent.

Santa Rosa City Railroad Co. v. Central Street Railway Co. (Cal.), vol. 1, p. 105.

Consent of township committee.

West Jersey Traction Co. v. Camden Horse-Railroad Co. (N. J.), vol. 4, p. 520.

Consent to lay a street railroad.

Detroit Citizens' St. Ry. Co. v. City of Detroit (C. C. A.), vol. 1, p. 71.

West Jersey Traction Co. v. Camden Horse-Railroad Co. (N. J.), vol. 4, p. 520.

Consent to railroad in street must be given in corporate meeting.

West Jersey Traction Co. v. Camden Horse-Railroad Co. (N. J.), vol. 4, p. 520.

MUNICIPAL CORPORATIONS—Continued.

Defined location of tracks.

West Jersey Traction Co.
v. Camden Horse-Railroad
Co. (N. J.), vol. 4, p.
520.

Grant of same privileges to
third party does not work a
forfeiture.

Santa Rosa City Railroad
Co. v. Central Street Rail-
way Co. (Cal.), vol. 1,
p. 105.

Impairment of franchise of
street railway by municipi-
pality.

Citizens' St. R. Co. v. City
R. Co. (Ind.), vol. 1, p.
99.

Intervention by municipality
on foreclosure against com-
pany.

City of Belleville v. Citi-
zens' Horse Ry. Co. (Ill.),
vol. 1, p. 118.

Joint action against city
and railroad company.

City of Fort Worth v. Allen
(Tex.), vol. 1, p. 282.

Mandamus to compel mayor
to approve permit to con-
struct tracks when com-
pany's right is uncertain.
State ex rel. Baltimore, C.
& P. B. R. Co. v. Latrobe
(Md.), vol. 1, p. 99.

Municipal confiscation of
railroad property.

City of Belleville v. Citi-
zens' Horse Ry. Co.
(Ill.), vol. 1, p. 28.

Municipal consent to route.

State v. Mayor, etc., of
Newark (N. J.), vol. 1,
p. 176.

Municipal ownership, consti-
tutional law.

Sun Printing, etc., Ass'n v.
Mayor of New York
(N. Y.), vol. 8, p. 771.

Municipal power to remove
tracks, conflict of authority
between city and adjoining
county.

Delaware County & P.
Electric R. Co. v. City of
Philadelphia (Pa.), vol.
1, p. 28.

Ordinance allowing double
fare for prescribed distance.
Bobira v. New Orleans & C.
R. Co. (La.), vol. 1, p.
220.

MUNICIPAL CORPORATIONS—Continued.

Ordinance authorizing double
tracks.

State v. Mayor, etc., of
Jersey City (N. J.), vol.
1, p. 220.

Ordinance construed to permit
only the operation of street
railways and not to author-
ize the operation of an ordi-
nary railroad in the street.

Tallon v. Mayor, etc., of
City of Hoboken (N. J.),
vol. 7, p. 545.

Party to action against com-
pany for damages sustained
by change of street.

Kaufman v. Tacoma, O. &
G. H. R. Co. (Wash.),
vol. 1, p. 169.

Power of city to enact an or-
dinance to compel passen-
ger cars operated by trolley
or electric power to come to
full stop before crossing
intersecting street.

Cape May, D. B. & S. P.
R. Co. v. City of Cape
May (N. J.), vol. 6, p. 329.

Power of city to control street
railways.

Cape May, D. B. & S. P.
R. Co. v. City of Cape
May (N. J.), vol. 6, p.
329.

Power of council to demand
additional sum for fran-
chise.

Beekman v. Third Ave. R.
Co. (N. Y.), vol. 8, p. 23.

Power of municipal authori-
ties to grant exclusive
right to second railway.

West Jersey Traction Co.
v. Camden Horse-Rail-
road Co. (N. J.), vol.
4, p. 520.

Power of municipality to
grant franchise.

Sun Printing, etc., Ass'n
v. Mayor of New York
(N. Y.), vol. 8, p. 771.

Power of municipality to
grant use of streets.

Homestead St. R. Co. v.
Pittsburgh & H. Electric
St. R. Co. (Pa.), vol.
1, p. 97.

Long v. Freeman (N. Car.),
vol. 1, p. 97.

State v. Mayor, etc., of
Jersey City (N. J.), vol.
1, p. 98.

MUNICIPAL CORPORATIONS—Continued.

- Tallon *v.* Mayor, etc., of City of Hoboken (N. J.), vol. 7, p. 545.
- Tibbetts *v.* West & South Towns St. R. Co. (Ill.), vol. 1, p. 98.
- Power of state authorities to grant the right of using the streets to a street railroad.
- Beekman *v.* Third Ave. R. Co. (N. Y.), vol. 8, p. 23.
- Presumption of reasonableness of ordinance regulating street railway.
- State Consolidated Traction Co. *v.* City of Elizabeth (N. J.), vol. 3, p. 614.
- Ratification by legislature of grant by municipality of street railway privileges.
- Denver Tramway Co. *v.* Londoner, Mayor (Colo.), vol. 1, p. 124.
- Reasonableness of ordinance regulating street railroads.
- State Consolidated Traction Co. *v.* City of Elizabeth (N. J.), vol. 3, p. 614.
- Revocation by city of authority to lay tracks.
- Ashville St. Ry. Co. *v.* City of Ashville (N. Car.), vol. 1, p. 27.
- Right to construct street railway conferred by ordinance.
- State (Cape May, etc., Prosecutor) *v.* City of Cape May (N. J.), vol. 3, p. 592.
- Right to test legality of municipal consent to construction.
- State *v.* Mayor, etc., of Jersey City (N. J.), vol. 1, p. 169.
- Street railway company entitled to hearing before enactment of ordinance providing for summary removal of its track.
- State (Cape May, etc., Prosecutor) *v.* City of Cape May (N. J.), vol. 3, p. 592.
- Tearing up of street railway, municipal power.
- Des Moines City Railway Company *v.* City of Des Moines (Iowa), vol. 1, p. 215.
- The city of Cape May by an ordinance, granted permis-

MUNICIPAL CORPORATIONS—Continued.

- sion to a railway company to lay its tracks on certain streets (naming them) and also to construct all necessary switches and turnouts: *held*, that turnouts built in pursuance of such authority unless it clearly appears that the authority has been exceeded are not such an obstruction of the streets as to warrant their summary and forcible removal by police intervention without notice of a hearing.
- City of Cape May *v.* Cape May D. B. & S. P. R. Co. (N. J.), vol. 7, p. 585.
- Validity of ordinance amending a former ordinance permitting the use of double tracks through the streets and limiting the rights of the company to one track for a short distance in a very crowded and narrow street.
- Mayor, etc., of City of Baltimore *v.* Baltimore Trust & Guarantee Co. (U. S.), vol. 7, p. 624.
- Violation of terms of grant of right to use streets.
- Haus *v.* Jefferson, M. & I. R. Co. (Ind.), vol. 1, p. 27.
- Whether assent of municipality is necessary to the construction of railroads in streets where company has purchased the franchise of an existing company.
- Lockwood *v.* Wabash Railroad Co. (Mo.), vol. 1, p. 16.
- Whether town could release from performance of condition subsequent of grant of right of way.
- Lyman *v.* Suburban R. Co. (Ill.), vol. 21, p. 828.
- Streets.**
- Control of streets.
- Bobira *v.* New Orleans & C. R. Co. (La.), vol. 1, p. 220.
- Newark Pass. Ry. Co. *v.* Inhabitants of East Orange (N. J.), vol. 1, p. 219.

MUNICIPAL CORPORATIONS—Continued.

Delegation of municipal power to open street.

Florida Cent. & P. R. Co. v. Ocala St. & S. R. Co. (Fla.), vol. 7, p. 686.

Power of council to change street grade.

Wabash R. Co. v. City of Defiance (U. S.), vol. 7, p. 638.

MUNICIPAL OFFICERS.

See Street Railways.

MURDER.

See Carriers of Passengers.

Liability of railroad for murder by employee.

Columbus, etc., R. Co. v. Christian (Ga.), vol. 5, p. 584.

Liability of sleeping car company where passenger is murdered.

Connell's Ex'rs v. Chesapeake & O. R. Co. (Va.), vol. 5, p. 333.

NATIONAL BANKS.

Municipal aid.

Town Council of Lexington v. Union Nat. Bank (Miss.), vol. 9, p. 321.

NATIONAL CORPORATIONS

Effect of state legislation.

Roberts v. Northern Pac. R. Co. (U. S.), vol. 3, p. 106.

NAVIGATION.

Liability of, railroad company for obstruction of high water channels.

New York, C. & St. L. R. Co. v. Hamlet Hay Co. (Ind.), vol. 9, p. 291.

Obstruction of navigable water by railway bridge.

Jones v. St. Paul, etc., Ry. Co. (Wash.), vol. 6, p. 789.

Obstruction of navigation.

Hedges v. West Shore R. Co. (N. Y.), vol. 5, p. 647.

NEGLIGENCE.

See Accidents on Track.

Acts of God.

Baggage.

Bridges.

Carriers of Freight.

Carriers of Goods.

Carriers of Live Stock.

NEGLIGENCE—Continued.

See Carriers of Passengers.

Children.

Comparative Negligence.

Contractors.

Contributory Negligence.

Coupling Cars.

Crossings.

Damages.

Death by Wrongful Act.

Evidence.

Exemplary Damages.

Fences.

Fires.

Frightening Horses.

Gross Negligence.

Imputable Negligence.

Independent Contractors.

Instructions.

Leases and Running Powers.

Licensees.

Lookouts.

Master and Servant.

Ordinances.

Personal Injuries.

Pleading.

Proximate Cause.

Speed.

Stock, Injuries to.

Street Railways.

Tickets and Fares.

Trespassers.

Wantonness.

Willfulness.

Wires.

Pennsylvania R. Co. v. Snyder (Ohio), vol. 7, p. 768.

Absence of statutes.

Sundmaker v. Yazoo & M. Val. R. Co. (La.), vol. 22, p. 496.

"Accident" includes actionable negligence.

Ullman v. Chicago & N. W. Ry. Co. (Wis.), vol. 23, p. 782.

Accidents on Track.

Liability of railroad assuming duty of municipality in maintaining bridge.

Bush v. Delaware, L. & W. R. Co. (N. Y.), vol. 21, p. 516.

Restarting car after accident, question for jury.

McDivitt v. Des Moines St. R. Co. (Iowa), vol. 6, p. 106.

Violation of city ordinance regulating speed as negligence per se.

Barfield v. Southern Ry. Co. (Ga.), vol. 15, p. 735.

NEGLIGENCE—Continued.

- Violation of valid ordinances is negligence per se.
 - Central of Georgia Ry. Co. *v.* Bond (Ga.), vol. 17, p. 757.
- Action against railroad company and employees for personal injuries.
 - Pugh *v.* Chesapeake & O. Ry. Co. (Ky.), vol. 8, p. 303.
- Action for negligence may be based on statute prescribing penalty on carrier for failure to care for live stock in transit.
 - Burns *v.* Chicago, M. & St. P. R. Co. (Wis.), vol. 17, p. 290.
- Act of God.
 - New Orleans & N. E. R. Co. *v.* McEwen & Murray (La.), vol. 7, p. 742.
- Admitted by conceded prayer.
 - Philadelphia & B. C. R. Co. *v.* Holden (Md.), vol. 22, p. 192.
- Assumption of risk, obstructions near track.
 - New York, C. & St. L. R. Co. *v.* Ostman (Ind.), vol. 6, p. 588.
- Bill of exceptions.
 - Lemery *v.* Boston & M. R. Co. (Mass.), vol. 11, p. 17.
- Burden of proof.
 - Augusta Southern R. Co. *v.* McDade (Ga.), vol. 12, p. 548.
 - Burr *v.* Pennsylvania R. Co. (N. J.), vol. 16, p. 162.
 - Cox *v.* Norfolk & C. R. Co. (N. Car.), vol. 12, p. 391.
 - Garrett *v.* Southern Ry. Co. (C. C. A.), vol. 18, p. 529.
 - Heckle *v.* Southern Pac. Co. (Cal.), vol. 15, p. 584.
 - Louisville & N. R. Co. *v.* Victory (Ky.), vol. 12, p. 538.
 - Parker *v.* South Carolina & G. Ry. Co. (S. Car.), vol. 6, p. 731.
 - Rogers *v.* Louisville & N. R. Co. (C. C. Tenn.), vol. 12, p. 813.
 - Tully *v.* Philadelphia, etc., R. Co. (Del.), vol. 23, p. 209.
- Burden of proving due care.
 - Louisville & N. R. Co. *v.* Gidley (Ala.), vol. 13, p. 214.

NEGLIGENCE—Continued.

- Care required in using electricity.
 - Macon *v.* Paducah St. Ry. Co. (Ky.), vol. 22, p. 614.
- Carriers of Live Stock.
 - Sufficiency of evidence of negligence causing delay.
 - Burns *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 17, p. 290.
- Carriers of Passengers.
 - Discharging passengers.
 - Mensing *v.* Michigan Cent. R. Co. (Mich.), vol. 12, p. 223.
 - Sowash *v.* Consolidated Traction Co. (Pa.), vol. 12, p. 124.
 - Liability for injury to passenger from recklessly backing train.
 - Appleby *v.* South Carolina & G. R. Co. (S. Car.), vol. 20, p. 581.
 - Presumption of negligence from derailment of car where passenger was injured.
 - Illinois Cent. R. Co. *v.* Kuhn (Tenn.), vol. 22, p. 324.
 - Presumption of negligence from derailment of train.
 - Chicago, R. I. & P. R. Co. *v.* Zerneck (Neb.), vol. 17, p. 76.
 - Presumption of negligence from injury to passengers.
 - Felton *v.* Holbrook (Ky.), vol. 17, p. 146.
 - McCafferty *v.* Pennsylvania R. Co. (Pa.), vol. 16, p. 122.
 - St. Louis & S. F. R. Co. *v.* Burrows (Kan.), vol. 17, p. 678.
 - Spencer *v.* Chicago, M. & St. P. Ry. (Wis.), vol. 17, p. 163.
 - Sprague *v.* Southern Ry. Co. (C. C. A.), vol. 14, p. 356.
 - Steele *v.* Southern Ry. Co. (S. Car.), vol. 14, p. 350.
 - Presumption of negligence where injury is caused to passenger by collision between trains.
 - Baltimore & O. S. W. Ry. Co. *v.* Hausman (Ky.), vol. 17, p. 237.

NEGLIGENCE—Continued.

Rebuttal of presumption of negligence, question for jury.

O'Connor v. Scranton Trac-
tion Co. (Pa.), vol. 6,
p. 650.

Running freight train past
station at high rate of
speed while passengers are
alighting from another
train as negligence.

Chicago & A. R. Co. v.
Kelly (Ill.), vol. 17, p. 52.

Speed in excess of ordinance
is negligence, prima facie,
where passenger is in-
jured on track.

Chicago & A. R. Co. v.
Winters (Ill.), vol. 12, p.
93.

Sudden jerk of street car
injuring passenger riding
on running board.

Hassen v. Nassau Elec. R.
Co. (N. Y.), vol. 12, p. 1.

Sufficiency of evidence of
negligence.

Ayers v. Rochester R. Co.
(N. Y.), vol. 12, p. 165.

Wantonness and contributory
negligence.

Conner v. Citizens' St. R.
Co. (Ind.), vol. 7, p. 287.

Wilful injury to street rail-
way passenger when he was
about to alight.

Conner v. Citizens' St. R.
Co. (Ind.), vol. 7, p. 287.

Wilful negligence where
passenger is injured in a
collision.

Highland Ave. & B. R.
Co. v. Swope (Ala.), vol.
13, p. 856.

Connecting Carriers.

Presumption of negligence.

Farmington Mercantile Co.
v. Chicago, B. & Q. R.
Co. (Mass.), vol. 5, p.
59.

Contributory Negligence.

Contributory negligence a
defense to negligence.

Little Rock & Ft. S. Ry.
Co. v. Smith (Ark.),
vol. 13, p. 699.

Contributory negligence as
defense where wilfulness
and wantonness is charged.

Central of Ga. Ry. Co. v.
Forshee (Ala.), vol. 18,
p. 469.

NEGLIGENCE—Continued.

Defense of contributory negli-
gence is no a confession of
negligence.

Hasie v. Alabama & V. Ry.
Co. (Miss.), vol. 20, p.
551.

Proximate contributory negli-
gence a defense to action
based on simple negli-
gence.

Alabama G. S. R. Co. v.
Roach (Ala.), vol. 11,
p. 869.

Selecting the more dangerous
of two avenues of travel.

Settoon v. Texas & Pac.
R. Co. (La. Ann.), vol.
4, p. 219.

Selecting the more dangerous
of two possible ways of do-
ing an act.

George v. Mobile, etc.,
R. Co. (Ala.), vol. 4, p.
257.

Criminal negligence.

Chicago, B. & Q. R. Co. v.
Hague (Neb.), vol. 4, p.
476.

Crossings.

Speed in violation of ordi-
nance, as negligence.

Knopf v. Philadelphia, W.
& B. R. Co. (Del.), vol.
20, p. 172.

Train behind time.

Northern Cent. Ry. Co. v.
Medairy (Md.), vol. 7,
p. 526.

Wanton and wilful negli-
gence, sufficiency of evi-
dence.

Krenzer v. Pittsburg, C., C.
& St. L. Ry. Co. (Ind.),
vol. 12, p. 344.

Whether negligence of driver
imputable to traveler.

Lewis v. Long Island R.
Co. (N. Y.), vol. 18, p. 1.

Whether speed at crossing
constituted wantonness.

Memphis & C. R. Co. v.
Martin (Ala.), vol. 23,
p. 683.

Damages.

Gross negligence as ground
for recovery of punitive
damages.

Felton v. Holbrook (Ky.),
vol. 17, p. 146.

NEGLIGENCE—Continued.

Wantonness, recklessness or willfulness of employee may render master liable for punitive damages.

Highland Ave. & B. R. Co. v. Robinson (Ala.), vol. 19, p. 357.

Dangerous make up of train where sleeping car porter was injured.

Denver & R. G. R. Co. v. Pilgrim (Colo.), vol. 8, p. 249.

Death by Wrongful Act.

Presumption of negligence.

Sims v. Western & A. R. Co. (Ga.), vol. 17, p. 756.

Strom v. Georgia R. & B. Co. (Ga.), vol. 13, p. 849.

Decision of trial court as to negligence, conclusive.

Heenan v. Bridgeport Traction Co. (Conn.), vol. 5, p. 398.

Definition.

Bradley v. Ohio River & C. Ry. Co. (N. Car.), vol. 18, p. 340.

McGraw v. Chicago, R. I. & P. Ry. Co. (Neb.), vol. 18, p. 764.

Definition, instructions.

Anderson v. Union Terminal R. Co. (Mo.), vol. 20, p. 834.

Definition of "unavoidable."

Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.

Duty to define in instructions.

Bowen v. Southern Ry. Co. (S. Car.), vol. 18, p. 331.

Erroneous definitions in instructions.

Western & A. R. Co. v. Vaughan (Ga.), vol. 21, p. 512.

Evidence.

Admissibility of evidence of negligence not alleged.

Louisville & N. R. Co. v. Scanlon (Ky.), vol. 22, p. 833.

Admissibility of evidence where general and specific allegations.

Traver v. Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.

NEGLIGENCE—Continued.

Any evidence of is for the jury.

Connell v. Chesapeake & O. R. Co. (Ky.), vol. 19, p. 237.

Corroborative testimony.

Illinois Cent. R. Co. v. Mizell (Ky.), vol. 6, p. 337.

Evidence of other acts of carelessness.

Central of Georgia Ry. Co. v. Bernstein (Ga.), vol. 20, p. 952.

Evidence of similar acts of.

Agulino v. New York, N. H. & H. R. Co. (R. I.), vol. 14, p. 314.

Hutcherson v. Louisville & N. R. Co. (Ky.), vol. 15, p. 846.

Evidence, sufficiency.

Walker v. McNeill (Wash.), vol. 11, p. 738.

Insufficiency of evidence to show.

McGeary v. Old Colony R. (R. I.), vol. 14, p. 764.

Exemption from liability.

Louisville N. A. & C. Ry. Co. v. Keefer (Ind.), vol. 5, p. 26.

Fellow Servants.

Question for jury whether negligence of fellow servant was proximate cause in action for injury to employee of another company. Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.

Where master's negligence is proximate cause he is not relieved by the fact that the negligence of a fellow servant concurred.

Louisiana Western Extension Ry. Co. v. Carstens (Tex. Civ. App.), vol. 12, p. 782.

Fires Set by Locomotives.

Presumption of negligence.

Gulf, C. & S. F. Ry. Co. v. Johnson (Tex.), vol. 14, p. 82.

McCullen v. Chicago & N. W. Ry. Co. (C. C. A.), vol. 18, p. 500.

NEGLIGENCE—Continued.

- Rebutting presumption of negligence.
 Louisville & N. R. Co. v. Marbury L. Co. (Ala.), vol. 18, p. 508.
- Speed of train which caused fire not evidence of negligence.
 Louisville & N. R. Co. v. Marbury L. Co. (Ala.), vol. 18, p. 508.
- Where a statute requires railroads to show absence of negligence causing a fire, the company exonerates itself from liability, in an action where it was claimed that the fire was caused by using a certain engine, by proving that the spark arrester thereon was such as is in common use.
 Peter v. Chicago & W. M. Ry. Co. (Mich.), vol. 15, p. 541.
- Following dangerous practice, even though it be customary.
 George v. Mobile, etc., R. Co. (Ala.), vol. 4, p. 257.
- Frightening Teams.**
 Unnecessarily blowing whistle and thereby frightening horses.
 Inabnett v. St. Louis, etc., Ry. Co. (Ark.), vol. 20, p. 590.
- Gross negligence.**
 Florida Cent. & P. R. Co. v. Foxworth (Fla.), vol. 13, p. 469.
- Gross negligence, definition.**
 Bolin v. Chicago, etc., Ry. Co. (Wis.), vol. 19, p. 735.
 Buckley v. Flint & P. M. R. Co. (Mich.), vol. 15, p. 1.
 Illinois Cent. R. Co. v. Stewart (Ky.), vol. 21, p. 874.
- Gross negligence in leaving hand car unlocked and accessible to children.**
 Illinois Cent. R. Co. v. Wilson (Ky.), vol. 21, p. 644.
- Harmless error in instructing as to gross negligence.**
 Traver v. Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.
- Inference of intent to willfully injure, sufficiency of evidence.**
 Bolin v. Chicago, etc., Ry. Co. (Wis.), vol. 19, p. 753.

NEGLIGENCE—Continued.

- Inference of negligence.**
 Olson v. Great Northern Ry. Co. (Minn.), vol. 7, p. 241.
- Instructions.**
 Atchison, etc., R. Co. v. Whitbeck (Kan.), vol. 7, p. 778.
- Bodie v. Charleston, etc., Ry. Co. (S. Car.), vol. 22, p. 818.**
- Jones v. Charleston, etc., Ry. Co. (S. Car.), vol. 23, p. 261.**
- Western & A. R. Co. v. Stafford (Ga.), vol. 5, p. 172.**
- Instructions as to burden of proving.**
 Hale v. New York & N. E. R. Co. (Mass.), vol. 16, p. 535.
- Joint and concurrent liability for separate acts.**
 Pugh v. Chesapeake & O. Ry. Co. (Ky.), vol. 8, p. 303.
- Liability for injury to servant of another company caused by negligence in leaving switch open as affected by contributory negligence in being in dangerous position.**
 Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.
- Licensees.**
 Sufficiency of complaint in action for injury to licensee at depot.
 Smith v. Southern Ry. Co. (N. Car.), vol. 23, p. 777.
- Sufficiency of evidence of negligence in using worn out brake shoe where licensee near track is injured by flying piece.**
 Pennsylvania R. Co. v. Martin (C. C. A.), vol. 23, p. 449.
- Wantonness, sufficiency of evidence where person standing near track at station was injured by train running at rate of speed prohibited by ordinance.**
 Tanner v. Missouri Pac. Ry. Co. (Mo.), vol. 20, p. 809.
- Limiting liability.**
 Illinois C. R. Co. v. Southern S. & C. Co. (Tenn.), vol. 18, p. 276.
- Pierce v. Southern Pac. Co. (Cal.), vol. 7, p. 564.**

NEGLIGENCE—Continued.**Master and Servant.**

Liability for wanton or willful misconduct of employees to each other, under employers' liability act of Alabama.

Southern Ry. Co. *v.* Moore (Ala.), vol. 20, p. 896.

Presumption of negligence in action for injury to employee.

Atchison, T. & S. F. R. Co. *v.* Tindall (Kan.), vol. 6, p. 557.

Presumption of negligence under Georgia statute where employee is killed.

Augusta Southern R. Co. *v.* McDade (Ga.), vol. 12, p. 549.

Rebutting presumption of negligence arising from injury to servant through defect in car.

Fulton *v.* Bullard (C. C. A.), vol. 14, p. 547.

Signals as to movements of cars, failure to give negligence when cause of injury to employee.

Hooper *v.* Great Northern Ry. Co. (Minn.), vol. 19, p. 1.

Station agent killed by freight cars, left unbraked and unchecked, set in motion by sudden storms.

Brunswick, etc., R. Co. *v.* Smith (Ga.), vol. 5, p. 695.

Sufficiency of evidence as to due care on part of engineer in running freight train, in action for injury to employee.

Crane *v.* Chicago, M. & St. P. Ry. Co. (Minn.), vol. 22, p. 869.

Switch stand near track.

Southern Kan. Ry. Co. *v.* Michaels (Kan.), vol. 8, p. 761.

Throwing articles from passing train and injuring employee after working hours.

Fletcher *v.* Baltimore & P. R. Co. (U. S.), vol. 9, p. 229.

Violation of rules not negligence per se where servant is injured thereby.

Smithson *v.* Chicago G. W. Ry. Co. (Minn.), vol. 11, p. 726.

NEGLIGENCE—Continued.

Violation of rules of company as evidence of its negligence where employee is injured thereby.

Smithson *v.* Chicago G. W. Ry. Co. (Minn.), vol. 11, p. 726.

Wantonness, sufficiency of evidence of.

Sharp *v.* Missouri Pac. Ry. Co. (Mo.), vol. 21, p. 47.

What evidence admissible in action for negligence causing injury to servant.

Florida Cent. & P. R. Co. *v.* Mooney (Fla.), vol. 12, p. 721.

Whether company exercised ordinary care to keep track in reasonably safe condition is question for jury in action for death of trainman.

Clune *v.* Ristine (C. C. A.), vol. 15, p. 761.

Whether inferred from mere fact of injury to servant.

Lincoln St. Ry. Co. *v.* Cox (Neb.), vol. 4, p. 273.

Negligence and contributory negligence.

Central of Georgia Ry. Co. *v.* Forshee (Ala.), vol. 18, p. 467.

Neininger *v.* Cowan (C. C. A.), vol. 18, p. 492.

Schweinfurth *v.* Cleveland, C. C. & St. L. Ry. Co. (Ohio), vol. 15, p. 73.

"Negligent" speed in running passenger train.

Central of Ga. Ry. Co. *v.* Johnston (Ga.), vol. 12, p. 286.

Pleading.

Chicago, R. I. & P. Ry. Co. *v.* Young (Neb.), vol. 14, p. 343.

Crawford *v.* Southern Ry. Co. (Ga.), vol. 16, p. 829.

Denver & R. G. R. Co. *v.* Thompson (Colo.), vol. 14, p. 47.

Keating *v.* Detroit B. C. & A. R. Co. (Mich.), vol. 2, p. 382.

Louisville & N. R. Co. *v.* Penrod (Ky.), vol. 17, p. 759.

New York, N. H. & H. R. Co. *v.* O'Leary (C. C. A.), vol. 14, p. 718.

NEGLIGENCE—*Continued.*

- San Antonio & A. P. Ry. Co. *v.* DeHam (Tex.), vol. 16, p. 843.
- Sirk *v.* Marion St. Ry. Co. (Ind. App.), vol. 2, p. 381.
- Walker *v.* McNeill (Wash.), vol. 11, p. 738.
- All defendant's acts of negligence may be alleged in one paragraph of petition.
- Fagg *v.* Louisville & N. R. Co. (Ky.), vol. 22, p. 171.
- Allegation of complaint.
- Railroad Co. *v.* Bouldin (Ala.), vol. 5, p. 708.
- Allegation of negligence as a legal conclusion.
- Omaha & R. V. R. Co. *v.* Wright (Neb.), vol. 4, p. 9.
- Allegation that injuries were inflicted "by reason of all of appellant's negligence" includes an allegation of the negligence of the engineer.
- Indianapolis Union Ry. Co. *v.* Houlihan (Ind.), vol. 21, p. 915.
- Count defective for setting forth separate causes of action.
- Clements *v.* Alabama Great Southern R. Co. (Ala.), vol. 19, p. 266.
- Employee whose negligence was cause of injury need not be specified in complaint.
- Rinard *v.* Omaha, etc., Ry. Co. (Mo.), vol. 22, p. 34.
- Evidential facts constituting need not be pleaded.
- Connell *v.* Chesapeake & O. R. Co. (Ky.), vol. 19, p. 237.
- General allegation of negligence.
- Omaha, etc., R. Co. *v.* Wright (Neb.), vol. 5, p. 419.
- General allegation of negligence followed by enumeration of specific acts.
- McManamee *v.* Missouri Pac. R. Co. (Mo.), vol. 5, p. 474.
- Held*, that an allegation in the complaint herein to the effect that the defendant negligently ran certain cars against a tender with such force as to injure the plaintiff is sustained by proof that it negligently omitted to do an act from which such results followed.
- Olson *v.* Great Northern Ry. Co. (Minn.), vol. 7, p. 241.

NEGLIGENCE—*Continued.*

- Instructions limited as to negligence alleged.
- Moss *v.* North Carolina R. Co. (N. Car.), vol. 12, p. 19.
- Mere negligence in ejecting trespasser does not give right to recover, where complaint is based on wanton negligence.
- Wabash R. Co. *v.* Kingsley (Ill.), vol. 13, p. 835.
- Plaintiff cannot claim or recover damages upon grounds of negligence other than those alleged in his petition.
- Brown *v.* Chicago, R. I. & P. Ry. Co. (Kan.), vol. 11, p. 408.
- Sufficiency of petition.
- Louisville & N. R. Co. *v.* Shearer (Ky.), vol. 20, p. 138.
- Variance between pleading and proof.
- Coulter *v.* Great Northern Ry. Co. (N. Dak.), vol. 4, p. 336.
- Where pleader relies upon one or more specific acts, evidence of any other acts is irrelevant.
- Omaha, etc., R. Co. *v.* Wright (Neb.), vol. 5, p. 419.
- Wilful negligence.
- Louisville & N. R. Co. *v.* Anchors (Ala.), vol. 11, p. 657.
- Presumption of negligence where plaintiff has not shown himself free from fault.
- Florida Cent. & P. R. Co. *v.* Burney (Ga.), vol. 6, p. 543.
- Proof of.
- Chicago, etc., R. Co. *v.* Soderburg (Neb.), vol. 8, p. 764.
- Proximate cause, a question of fact.
- Chicago, B. & O. R. Co. *v.* Spirk (Neb.), vol. 7, p. 205.
- Proximate cause, definition.
- Wallin *v.* Eastern Ry. Co. of Minnesota (Minn.), vol. 21, p. 611.
- Question for court.
- Merritt *v.* Great Northern Ry. Co. (Minn.), vol. 19, p. 775.
- Question for jury.
- Allen *v.* Boston & M. R. R. (Me.), vol. 19, p. 729.
- Baltimore & O. S. W. Ry. Co. *v.* Tripp (Ill.), vol. 14, p. 119.

NEGLIGENCE—Continued.

- Chesapeake & O. Ry. Co. v. Howard (U. S.), vol. 17, p. 660.
- Denver & R. G. R. Co. v. Spencer (Colo.), vol. 18, p. 236.
- Herbert v. Southern Pac. Co. (Cal.), vol. 11, p. 94.
- Johnson v. Great Northern Ry. Co. (N. Dak.), vol. 11, p. 76.
- Klinkler v. Wheeling Steel, etc., Co. (W. Va.), vol. 8, p. 764.
- Lane v. Spokane Falls & N. Ry. Co. (Wash.), vol. 14, p. 436.
- McCafferty v. Penn. R. Co. (Pa.), vol. 16, p. 122.
- Nelson v. Southern Pac. Co. (Utah), vol. 14, p. 374.
- Sprague v. Southern Ry. Co. (C. C. A.), vol. 14, p. 356.
- Question of fact.
- Bradley v. Second Ave. R. Co. (N. Y.), vol. 12, p. 184.
- Cameron v. Great Northern Ry. Co. (N. Dak.), vol. 12, p. 520.
- Cawley v. La Crosse City Ry. Co. (Wis.), vol. 12, p. 454.
- Cox v. Norfolk & C. R. Co. (N. Car.), vol. 12, p. 390.
- Graham v. McNeill (Wash.), vol. 12, p. 149.
- McCurrie v. Southern Pac. Co. (Cal.), vol. 12, p. 170.
- Munch v. Great Northern Ry. Co. (Minn.), vol. 12, p. 586.
- Thompson v. Northern Pac. Ry. Co. (C. C. A.), vol. 13, p. 651.
- Whitley v. Southern Ry. Co. (N. Car.), vol. 12, p. 210.
- Question of fact where evidence is conflicting.
- Cox v. Norfolk & C. R. Co. (N. Car.), vol. 12, p. 390.
- Question of law.
- Brady v. Chicago, St. P., M. & O. Ry. Co. (Neb.), vol. 15, p. 845.
- Question of law and fact.
- Alabama Min. R. Co. v. Jones (Ala.), vol. 8, p. 384.
- Bronson v. Oakes (C. C. A.), vol. 9, p. 166.
- Consolidated Traction Co. v. Isley (N. J.), vol. 5, p. 457.
- Gilman v. Boston & M. R. R. (Mass.), vol. 8, p. 478.
- Loeser v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 8, p. 421.

NEGLIGENCE—Continued.

- Nathan v. Charlotte St. Ry. Co. (N. Car.), vol. 5, p. 709.
- New York, C. & St. Louis Ry. Co. v. Blumenthal (Ill.), vol. 4, p. 174.
- Omaha Street Ry. Co. v. Martin (Neb.), vol. 4, p. 1.
- Reilly v. Philadelphia Traction Co. (Pa.), vol. 5, p. 399.
- Saunders v. Southern Pac. Co. (Utah), vol. 4, p. 13.
- Thoresen v. La Crosse C. R. Co. (Wis.), vol. 1, p. 274.

Railroads in Streets.

Speed within city limits may be negligence in absence of either municipal regulations or statute.

Sundmaker v. Yazoo & M. Val. R. Co. (La.), vol. 22, p. 496.

Speed within city limits, question for jury.

Sundmaker v. Yazoo & M. Val. R. Co. (La.), vol. 22, p. 496.

Receivers.

Statutory rule as a presumption of negligence does not apply in action against receivers.

Robinson v. Huidekoper (Ga.), vol. 5, p. 216.

"Reckless" negligence.

Louisville & N. R. Co. v. Anchors (Ala.), vol. 11, p. 657.

Simple negligence, pleading.

Louisville & N. R. Co. v. Anchors (Ala.), vol. 11, p. 657.

Specifications of.

Lemery v. Boston & M. R. Co. (Mass.), vol. 11, p. 17.

Speed.

Rate of speed in the country not negligence per se.

Omaha & R. V. R. Co. v. Krayenbuhl (Neb.), vol. 4, p. 483.

Stock, Injuries to.

Cantrell v. Kansas City, M. & B. R. Co. (Miss.), vol. 14, p. 30.

Georgia, S. & F. Ry. Co. v. Sanders (Ga.), vol. 18, p. 206.

Southern Ry. Co. v. Early (Ga.), vol. 12, p. 859.

NEGLIGENCE—Continued.

- Presumption of negligence from injury to stock.
- Davis *v.* Florida, Cent. & P. R. Co. (S. Car.), vol. 5, p. 324.
- Little Rock & Ft. S. Ry. Co. *v.* Wilson (Ark.), vol. 14, p. 32.
- St. Louis, I. M. & S. Ry. Co. *v.* Bragg (Ark.), vol. 14, p. 34.
- Presumption of negligence in action for stock killing, where evidence is conflicting.
- McMillin *v.* Southern Ry. Co. (Miss.), vol. 14, p. 37.
- Rate of speed as negligence in action for injury to stock.
- Alabama Midland Ry. Co. *v.* McGill (Ala.), vol. 14, p. 20.
- Rebutting presumption of negligence in action for killing stock.
- Kansas City, Ft. S. & M. Ry. Co. *v.* King (Ark.), vol. 14, p. 44.
- Keilbach *v.* Chicago, M. & St. P. Ry. Co. (N. Dak.), vol. 14, p. 28.
- Rebutting statutory presumption of negligence where stock is killed.
- Central of Ga. Ry. Co. *v.* Wood (Ga.), vol. 11, p. 850.
- Stock killing, question for jury.
- Hardison *v.* Atlantic & N. C. R. Co. (N. Car.), vol. 11, p. 848.
- Where evidence is conflicting as to whether engineer was negligent in failing to see stock on track, his negligence is question for jury.
- Missouri, K. & T. Ry. Co. *v.* Farrington (Ind. Ter.), vol. 11, p. 854.
- Where negligence was proximate cause of injury to stock, contributory negligence is no defense.
- Sauls *v.* D. W. Alderman & Sons Co. (S. Car.), vol. 15, p. 558.
- Sufficiency of evidence.
- Cleveland, T. & V. R. Co. *v.* Marsh (Ohio), vol. 20, p. 54.
- Cobb *v.* St. Louis & H. Ry. Co. (Mo.), vol. 13, p. 632.

NEGLIGENCE—Continued.

- Foreman *v.* Pennsylvania R. Co. (Pa.), vol. 17, p. 246.
- Johnson *v.* Rio Grande & W. Ry. Co. (Utah), vol. 13, p. 691.
- Lake Shore & M. S. Ry. Co. *v.* Andrews (Ohio), vol. 12, p. 545.
- Ruppert *v.* Brooklyn Heights R. Co. (N. Y.), vol. 11, p. 873.
- Trespassers.**
- Wanton negligence to trespasser on track in perilous position.
- Sloniker *v.* Great Northern Ry. Co. (Minn.), vol. 13, p. 819.
- Wantonness and recklessness, what constitute to trespasser on track.
- Southern Ry. Co. *v.* Bush (Ala.), vol. 19, p. 46.
- Wilful negligence in ejecting trespasser.
- Illinois Cent. R. Co. *v.* King (Ill.), vol. 13, p. 829.
- Wantonness and recklessness, definition of.
- Highland Ave. & B. R. Co. *v.* Robinson (Ala.), vol. 19, p. 357.
- Wantonness and recklessness, pleading.
- Southern Ry. Co. *v.* Bush (Ala.), vol. 19, p. 46.
- Wantonness, sufficiency of evidence of, where injury to alighting passenger.
- Appleby *v.* South Carolina & G. R. Co. (S. Car.), vol. 20, p. 581.
- When a question of law.
- Pool *v.* Southern Pac. Co. (Utah), vol. 16, p. 551.
- When a question of law and when a question of fact.
- Omaha Street Ry. Co. *v.* Martin (Neb.), vol. 4, p. 1.
- When negligence question of law, and when question for jury.
- Ketterman *v.* Dry Fork R. Co. (W. Va.), vol. 19, p. 445.
- Willful negligence, pleading.
- Louisville & N. R. Co. *v.* Anchors (Ala.), vol. 11, p. 657.
- NEW CORPORATIONS.**
- See Consolidation of Railroads.*

NEW TRIALS.

See Instructions.
Practice.
Trials.

Brief of counsel accidentally in file of papers to be considered by jury in retirement.

Louisville & N. R. *v.* Sides (Ala.), vol. 21, p. 90.

Effect of granting motion.

Central of Ga. Ry. Co. *v.* Murphey (Ga.), vol. 21, p. 555.

Error to refuse, where verdict is contrary to evidence.

Western & A. R. Co. *v.* Goodwin (Ga.), vol. 12, p. 219.

Giving time to complete motion and brief where hearing is adjourned.

Dorsey *v.* Central of Ga. Ry. Co. (Ga.), vol. 21, p. 566.

Harmless error.

Sims *v.* Southern Ry. Co. (S. Car.), vol. 20, p. 76.

Newly-discovered evidence.

Louisville & N. R. Co. *v.* Tinkham (Ky.), vol. 13, p. 800.

Schmitt *v.* Mo. Pac. Ry. Co. (Mo.), vol. 20, p. 216.

Wilkie *v.* Raleigh & C. F. R. Co. (N. Car.), vol. 19, p. 295.

Prejudicial error in admitting evidence is ground for.

Central of Georgia Ry. Co. *v.* Ross (Ga.), vol. 14, p. 12.

Refusal by circuit court of new trial not reviewable either on ground of insufficiency of evidence or of excessive damages.

Gillman *v.* Florida Cent. & P. R. Co. (S. Car.), vol. 12, p. 126.

Refusal to grant.

Cent. of Ga. Ry. Co. *v.* Williams (Ga.), vol. 13, p. 861.

Remarks of counsel.

Kansas City, etc., Ry. Co. *v.* McElroy (Mo.), vol. 22, p. 398.

Remittitur.

Central of Ga. Ry. Co. *v.* Perkerson (Ga.), vol. 21, p. 63.

Time for filing motion.

Merrieles *v.* Wabash R. Co. (Mo.), vol. 22, p. 158.

Where only appeal is based on inadequacy of damages trial of cause will be confined to that issue.

Strother *v.* Aberdeen & A. R. Co. (N. Car.), vol. 12, p. 122.

NEW TRIALS—Continued.

Whether state practice must be observed in federal court.

Tullis *v.* Lake Erie & W. R. Co. (C. C. A.), vol. 20, p. 335.

Writ of error will not be granted for refusal to grant new trial or continuance.

Missouri, K. & T. Ry. Co. *v.* Elliott (C. C. A.), vol. 18, p. 715.

NEWS AGENTS.

See Carriers of Passengers.

Exemption of carrier from liability.

Starr *v.* Great Northern Ry. Co. (Minn.), vol. 7, p. 778.

NEXT OF KIN.

See Death by Wrongful Act.

NEGROES.

See Carriers of Passengers.

NOISES.

See Frightening Horses.

NONABUTTING PROPERTY.

See Fires.

Railroads in Streets.

NONASSIGNABLE DUTIES.

See Fellow Servants.

NONRESIDENTS.

See Foreign Corporations.

NONSUIT.

Milam *v.* Southern Ry. Co. (S. Car.), vol. 18, p. 253.

Rutherford *v.* Southern Ry. Co. (S. Car.), vol. 17, p. 520.

Action for injuries from negligence.

Dederichs *v.* Salt Lake City R. Co. (Utah), vol. 4, p. 258.

Motion overruled.

Mason *v.* So. Ry. Co. (S. Car.), vol. 19, p. 84.

Properly refused in action for injury to employee.

Central of Ga. Ry. Co. *v.* Perkerson (Ga.), vol. 21, p. 63.

Waiver of rights under motion of nonsuit, laws of North Carolina.

McCall *v.* Southern Ry. Co. (N. Car.), vol. 23, p. 760.

NONUSER.

See Right of Way.

NOTICE.

See Bridges.

Carriers of Freight.

Carriers of Goods.

Carriers of Live Stock.

Carriers of Passengers.

Connecting Carriers.

Crossings.

Eminent Domain.

Master and Servant.

Stock, Injuries to.

Street Railways.

Tickets and Fares.

Knowledge of drayman not notice to consignee of arrival of goods.

Berry *v.* W. Va. & P. R. Co. (W. Va.), vol. 11, p. 103.

Limitation in contract for shipment of live stock requiring notice as condition precedent, construed.

St. Louis, I. M. & S. Ry. Co. *v.* Law (Ark.), vol. 18, p. 286.

Notice of claim for injury to stock.

Norfolk & W. Ry. Co. *v.* Reeves (Va.), vol. 16, p. 166.

Notice of claim to common officer to companies.

Harding *v.* Lynn & B. R. Co. (Mass.), vol. 12, p. 865.

Notice of injury to employee, compliance with statute.

De Forge *v.* New York, N. H. & H. R. R. (Mass.), vol. 20, p. 492.

Notice to agent as notice to corporation with respect to shipping contract.

Missouri, K. & T. R. Co. of Tex. *v.* Belcher (Tex.), vol. 3, p. 498.

Notice to carrier of contents of sample trunk.

Trimble *v.* New York Cent. & H. R. R. Co. (N. Y.), vol. 17, p. 176.

Notice to servant of master's rules.

Louisville & N. R. Co. *v.* Bowcock (Ky.), vol. 17, p. 421.

Notice to servant when notice to master.

Comer *v.* Hill (Ga.), vol. 11, p. 3.

Notice to superintendent of peril of helpless trespasser on track as notice to company,

Fagg *v.* Louisville & N. R. Co. (Ky.), vol. 22, p. 171.

NOTICE—Continued.

Stipulation exempting carrier from liability for loss where shipper fails to give notice of loss is valid.

St. Louis & S. F. R. Co. *v.* Hurst (Ark.), vol. 17, p. 324.

Time tables as notice to shipper of delays in transportation.

Burns *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 17, p. 290.

Tower-man not chargeable with notice of defective condition of track.

Lake Shore & M. S. Ry. Co. *v.* Conway (Ill.), vol. 11, p. 7.

Waiver of stipulation in contract for shipment of freight requiring notice of claim to be given in certain time.

Illinois C. R. Co. *v.* Bogard (Miss.), vol. 18, p. 410.

Whether notice of defect injuring employee to officers of a preceding board of management is notice for present.

Bland *v.* Shreveport Belt Ry. Co. (La.), vol. 4, p. 349.

NUISANCES.

Abatement of purpresture by attorney general.

Hicks, Atty. Gen. *ex rel.* Askew *v.* Smith (Wis.), vol. 20, p. 694.

Elevated railroads.

Garrett *v.* Lake Roland Elevated Railroad Co. (Md.), vol. 1, p. 385.

Equitable relief against continuing nuisance.

Harrelson *v.* Kansas City & A. R. Co. (Mo.), vol. 16, p. 848.

Pleading.

Baltzeger *v.* Carolina Midland Ry. Co. (S. Car.), vol. 14, p. 845.

Railroads in streets.

Alabama & V. R. Co. *v.* Bloom (Miss.), vol. 1, p. 28.

Lockwood *v.* Wabash Railroad Co. (Mo.), vol. 1, p. 16.

Railroad using its tracks in connection with stockyards, and thereby creating a serious nuisance in streets of city, does not authorize the destruction of its tracks by city authorities.

City of Chicago *v.* Union Stock-Yard & Transit Co. (Ill.), vol. 7, p. 490.

NUISANCES—Continued.

Right of action.

Guinn *v.* Ohio River R. Co.
(W. Va.), vol. 13, p. 437.

Unauthorized construction of
street railway.

Thomas *v.* Inter-County St.
R. Co. (Pa.), vol. 1, p. 169.

Use of track in streets in viola-
tion of police provision.

Pittsburg, C. & St. L. Ry. Co.
v. Hood (C. C. A.), vol. 15, p.
648.

OBJECTIONS.

See Evidence.

Waiver of.

Central of Georgia Ry. Co. *v.*
Dorsey (Ga.), vol. 14, p. 212.

OBSTRUCTED VIEW.

See Crossings.

OBSTRUCTIONS.

See Streets and Highways.

**OBSTRUCTIONS NEAR
TRACK.**

See Frightening Horses.

OCCUPATION TAX.

See Taxation.

OFFICERS AND AGENTS.

Although owning substantially
all its stock they cannot appro-
priate company's property.

Saranac & L. P. R. Co. *v.*
Arnold (N. Y.), vol. 22, p.
480.

Authority of conductor to employ
hands in case of emergency.

Louisville & N. R. Co. *v.* Ginley
(Tenn.), vol. 11, p. 443.

Authority of division superin-
tendent.

Maxson *v.* Michigan Cent. R.
Co. (Mich.), vol. 14, p. 823.

Authority of general superin-
tendent to employ brakeman.

Sax *v.* Detroit, etc., Ry. Co.
(Mich.), vol. 20, p. 653.

Authority of shipper's agent to
change consignee after con-
signment to principal.

Lake Shore & M. S. R. Co. *v.*
National Live Stock Bank
(Ill.), vol. 13, p. 1.

Evidence as to authority of.

Bigelow *v.* Chicago, B. & N.
Ry. Co. (Wis.), vol. 17, p. 341.

**OFFICERS AND AGENTS—
Continued.**

Evidence of declarations of agent
within scope of authority ad-
missible.

Missouri, K. & T. Ry. Co. *v.*
Byrne (Ind. Ter.), vol. 13,
p. 17.

Liability in action against offi-
cers to recover misappropriated
assets, question for jury.

Saranac & L. P. R. Co. *v.*
Arnold (N. Y.), vol. 22, p.
480.

Personal ignorance of officer no
defense where corporation fails
to answer interrogatories.

Robbins *v.* Brockton St. Ry.
Co. (Mass.), vol. 23, p. 483.

Power of agent to release car-
rier's liability.

California Powder Works *v.*
Atlantic & P. R. Co. (Cal.),
vol. 4, p. 301.

President cannot recover com-
pensation for aid furnished re-
ceiver.

Joost *v.* Bennett (Cal.), vol.
15, p. 252.

Presumption that corporate
books were properly received
in evidence in action against
officers to recover misappropri-
ated assets.

Saranac & L. P. R. Co. *v.*
Arnold (N. Y.), vol. 22, p.
480.

Ratification of contracts of.

Maxson *v.* Michigan Cent. R.
Co. (Mich.), vol. 14, p. 823.

Somerville *v.* Wabash R. Co.
(Mich.), vol. 5, p. 693.

Right of principal to sue upon
contract for carriage of live
stock made by agents.

Gulf, Colorado, etc., R. Co. *v.*
Stanley (Tenn.), vol. 2, p.
480.

Right to rely on information of
ticket agent in union depot.

Turner *v.* Great Northern R.
Co. (Wash.), vol. 5, p. 238.

Salaries.

Farmers' Loan & Trust Co.
v. Housatonic R. Co. (N.
Y.), vol. 9, p. 281.

St. Louis, A. & S. R. Co. *v.*
O'Hara (Ill.), vol. 14, p.
817.

Service of process on ticket
agent.

Hillary *v.* Great Northern R.
Co. (Minn.), vol. 4, p. 51.

OPERATING AGREEMENTS. ORDINANCES—Continued.

See Connecting Carriers.

OPINION EVIDENCE.

See Evidence.

Expert and Opinion Evidence.

Master and Servant.

Trespass.

ORDINANCES.

See Accidents on Track.

Crossings.

Evidence.

Fences.

Municipal Corporations.

Proximate Cause.

Railroads in Streets.

Speed.

Statutes.

Street Railways.

An ordinance against the crossing by railroad trains of certain streets in a city before coming to a full stop is not, on its face, unreasonable.

City of Buffalo v. New York, L. E. & W. R. Co. (N. Y.), vol. 7, p. 503.

Avoidance of public grant to street railway for nonperformance of condition subsequent.

Santa Rosa City Railroad Co. v. Central Street Railway Co. (Cal.), vol. 1, p. 105.

Burden of proving that ordinance for local assessments and improvements was legally passed.

Kansas City, etc., Ry. Co. v. Board of Waterworks (Ark.), vol. 20, p. 265.

Construction of.

City of York v. Chicago, B. & Q. R. Co. (Neb.), vol. 14, p. 200.

Contributory negligence as affected by failure to comply with ordinance requiring maintenance of gates and flagman.

Schneider v. Northern Pac. Ry. Co. (Minn.), vol. 19, p. 314.

Contributory negligence in being on track in street as affected by speed in violation of ordinances.

Lea v. Durham & N. R. Co. (N. Car.), vol. 23, p. 765.

Contributory negligence may be shown in mitigation of damages for injuries partially

caused by speed in violation of ordinance.

Central of Ga. Ry. Co. v. Tribble (Ga.), vol. 20, p. 794.

Duty of railroad to comply with ordinance limiting speed.

Jackson v. Kansas City, Ft. S. & M. R. Co. (Mo.), vol. 19, p. 99.

Effect of contributory negligence of boy ten years of age in walking on track, in action for his death based on violation of ordinance requiring bell to be rung.

Schmitt v. Missouri Pac. Ry. Co. (Mo.), vol. 20, p. 216.

Evidence of.

Jackson v. Kansas City, Ft. S. & M. R. Co. (Mo.), vol. 19, p. 99.

Failure to comply with the city ordinance regulating the speed of trains.

Adams v. Southern Ry. Co. (C. C. A.), vol. 9, p. 747.

Western & A. R. Co. v. Stafford (Ga.), vol. 5, p. 172.

Failure to prosecute others as a defense where action is brought to recover penalty.

City of Buffalo v. New York, L. E. & W. R. Co. (N. Y.), vol. 7, p. 503.

Grant of same privileges to third party does not work a forfeiture.

Santa Rosa City Railroad Co. v. Central St. Railway Co. (Cal.), vol. 1, p. 105.

Harmless error in admitting evidence of existence of ordinance requiring gripman to exercise vigilance to prevent accidents.

Schmidt v. St. Louis R. Co. (Mo.), vol. 22, p. 711.

Liability for injury at crossing, question for jury where there was contributory negligence and speed in violation of ordinance.

Hutchinson v. Missouri Pac. Ry. Co. (Mo.), vol. 20, p. 700.

Municipal regulations not the sole measure of care required in blasting.

Central of Georgia Ry. Co. v. Bernstein (Ga.), vol. 20, p. 952.

Must be reasonable.

Des Moines City Railway Company v. City of Des Moines (Iowa), vol. 1, p. 215.

ORDINANCES—*Continued.*

Ordinance construed to permit only the operation of street railways, and not to authorize the operation of an ordinary railroad in streets.

Tallon *v.* Mayor, etc., of City of Hoboken (N. J.), vol. 7, p. 545.

Ordinance limiting speed applies to railroad yards.

Jackson *v.* Kansas City, Ft. S. & M. R. Co. (Mo.), vol. 19, p. 99.

Ordinance regulating speed.

Washington Southern Ry. Co. *v.* Lacey (Va.), vol. 6, p. 782.

Power of city to enact an ordinance to compel passenger cars operated by trolley or electric power, to come to a full stop before crossing intersecting streets.

Cape May, D. B. & S. P. R. Co. *v.* City of Cape May (N. J.), vol. 6, p. 329.

Power of municipality to revoke ordinance granting right of way.

City of Belleville *v.* Citizens' Horse Ry. Co. (Ill.), vol. 1, p. 118.

Power to authorize railroad in streets.

Lockwood *v.* Wabash Railroad Co. (Mo.), vol. 1, p. 16.

Power to pass ordinance in conflict with prior one.

Brown *v.* Atlanta Ry. & Power Co. (Ga.), vol. 22, p. 886.

Questions of reasonableness are resolved in favor of municipality.

Stafford *v.* Chippewa Val. Elec. R. Co. (Wis.), vol. 23, p. 364.

Railroad's right to notice of passage of ordinance requiring it to construct a viaduct.

Chicago, B. & Q. R. Co. *v.* State of Nebraska (U. S.), vol. 10, p. 423.

Speed.

Graney *v.* St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 8, p. 187.

Illinois Cent. R. Co. *v.* Ashline (Ill.), vol. 9, p. 702.

Speed in violation as negligence.

Chicago, etc., R. Co. *v.* Mochell (Ill.), vol. 23, p. 927.

ORDINANCES—*Continued.*

Speed in violation of as affected by failure to look and listen at crossing.

Peterson *v.* St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 18, p. 161.

Speed in violation of as negligence per se.

Jackson *v.* Kansas City, Ft. S. & M. R. Co. (Mo.), vol. 19, p. 99.

Speed in violation of cannot be complained of by trespassers.

Cleveland, C., C. & St. L. Ry. Co. *v.* Tartt (C. C. A.), vol. 18, p. 226.

Speed in violation of, not ground for recovery where there was contributory negligence.

Neal *v.* Carolina Cent. R. Co. (N. Car.), vol. 18, p. 51.

Speed in violation of ordinance as negligence.

Knopf *v.* Philadelphia, W. & B. R. Co. (Del.), vol. 20, p. 172.

Speed prohibited by ordinance must be shown to have been proximate cause of accident.

Jackson *v.* Kansas City, Ft. S. & M. R. Co. (Mo.), vol. 19, p. 99.

The city council of Cape May by an ordinance granted permission to a railroad company to lay its tracks on certain streets (naming them) and also to construct all necessary switches and turnouts: *held*, that turnouts built in pursuance of such authority, unless it clearly appears that the authority has been exceeded, are not such an obstruction of the streets as to warrant their summary and forcible removal by police intervention without notice of a hearing.

City of Cape May *v.* Cape May, D. B. & S. P. R. Co. (N. J.), vol. 7, p. 585.

Validity does not depend upon railroad's acceptance.

Anderson *v.* Union Terminal R. Co. (Mo.), vol. 20, p. 834.

Validity of city ordinance granting franchise to street railway.

Santa Rosa City R. Co. *v.* Central Street Ry. Co. (Cal.), vol. 1, p. 105.

ORDINANCES—Continued.

Validity of ordinance compelling railway to keep watchman and gates.

Pittsburg, C., C. & St. L. R. Co. *v.* Town of Crown Point (Ind.), vol. 6, p. 324.

Validity of ordinance providing for punishment for getting on or off moving trains.

Wice *v.* Chicago & N. W. Ry. Co. (Ill.), vol. 23, p. 919.

Validity of ordinance requiring fenders on street cars.

State *v.* City of Cape May (N. J.), vol. 6, p. 511.

Violation of by railroad company is negligence per se.

Central of Georgia Ry. Co. *v.* Bond (Ga.), vol. 17, p. 757.

Violation of ordinances.

Harrison *v.* Sutter St. Ry. Co. (Cal.), vol. 8, p. 200.

Violation of ordinance as to speed as affecting trespasser's right to recover.

Ward *v.* Illinois C. R. Co. (Ky.), vol. 18, p. 689.

Violation of ordinance regulating the running of trains as negligence in action for injury to employee.

Baltimore, etc., Ry. Co. *v.* Peterson (Ind.), vol. 20, p. 887.

Whether constitutional question is raised in questioning validity of ordinance authorizing construction of street railway.

Ruckert *v.* Grand Ave. Ry. Co. (Mo.), vol. 22, p. 641.

Whether ordinance regulating the running of trains was applicable to switch yards.

Baltimore, etc., Ry. Co. *v.* Peterson (Ind.), vol. 20, p. 887.

Whether the exemption of a belt line from the operation of an ordinance restricting speed of railroad trains renders ordinance invalid.

City of Buffalo *v.* New York, etc., R. Co. (N. Y.), vol. 7, p. 503.

Whether violation of ordinance limiting speed is negligence per se.

Illinois Cent. R. Co. *v.* Ashline (Ill.), vol. 9, p. 702.

ORDINARY CARE.

See Carriers of Passengers.

ORDINARY RAILROADS IN STREETS.

See Crossings.

Municipal Corporations.

Ordinances.

Railroads in Streets.

Street Railways.

Streets.

OVERCHARGES.

See Carriers of Goods.

Tickets and Fares.

OVERFLOW.

See Floods.

Water and Watercourses.

Act of God.

Fremont, etc., R. Co. *v.* Harlin (Neb.), vol. 8, p. 766.

Diversion of surface water.

Fremont, etc., R. Co. *v.* Harlin (Neb.), vol. 8, pp. 766, 767.

Freshets.

Georgia R., etc., Co. *v.* Bohler (Ga.), vol. 8, p. 768.

Limitation of actions.

Nichols *v.* Norfolk, etc., R. Co. (N. Car.), vol. 8, p. 768.

Permanent damages, notice.

Nichols *v.* Norfolk, etc., R. Co. (N. Car.), vol. 8, p. 768.

OVERHEAD BRIDGES.

See Bridges.

Master and Servant.

PACIFIC RAILROAD.

Consolidation.

Union Pacific Railway Co. *v.* Gochenour (Kan.), vol. 3, p. 288.

Liability of stockholders.

United States *v.* Stanford (U. S.), vol. 3, p. 331.

PARALLEL LINES.

See Railroads.

PARCELS.

See Baggage.

PARENT AND CHILD.

See Children.

Contributory Negligence.
Imputable Negligence.

Death of child on street car track.

Dan *v.* Citizens' St. R. Co. (Tenn.), vol. 10, p. 880.

Loss of mother's services by children.

Redfield *v.* Oakland Consolidated Street R. Co. (Cal.), vol. 3, p. 432.

PARENT AND CHILD—Cont'd. PARTIES—Continued.

Right of action for loss of child's services.

Taylor *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 4, p. 115.

Right of father to services of child.

Taylor *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 4, p. 115.

PARENTS.

See Children.

Death by Wrongful Act.

PARKS.

Railway in park where there is a prohibition against railroads in streets.

Philadelphia *v.* McMannes (Pa.), vol. 3, p. 652.

PAROL EVIDENCE.

See Evidence.

Tickets and fares.

West Chicago St. R. Co. *v.* Piper (Ill.), vol. 9, p. 147.

Bills of lading.

Tallassee Falls Mfg. Co. *v.* Western Ry. of Alabama (Ala.), vol. 10, p. 339.

Carriers of live stock, admissibility of evidence of conversation between shipper and agent of company after contract of carriage.

Missouri Pacific R. Co. *v.* Hall (C. C. A.), vol. 2, p. 525.

Construction of deed.

Hanlon *v.* Union Pacific Railroad Co. (Neb.), vol. 1, p. 701.

Parol evidence as to agreed method of construction of road.

Gulf, Colorado, etc., R. Co. *v.* Richards (Tex.), vol. 1, p. 668.

To show fraud in contract to convey right of way.

Grand Tower and Cape Girardeau Railroad Co. *v.* Wolton (Ill.), vol. 1, p. 686.

PARTIES.

See Actions.

Carriers of Passengers.

Cattle Guards.

Mandamus.

Master and Servant.

Pleadings.

Railroads in Streets.

Receivers.

Removal of Cause.

Street Railways.

Action against officer as action against state.

Smith *v.* Reeves (U. S.), vol. 19, p. 591.

An appeal was taken from a final court which had appointed receivers for an insolvent railway company in a foreclosure suit, directing the receivers to give priority over the mortgages to judgments obtained against the company on liabilities incurred before the commencement of the foreclosure suit. It was held that the railway company was a necessary party to such appeal.

Farmers' Loan & Trust Co. *v.* Longworth (C. C. A.), vol. 9, p. 201.

Capacity of New Hampshire administrator of estate of person who had resided in Massachusetts to sue, statutes.

Boston & M. R. R. *v.* Hurd (C. C. A.), vol. 21, p. 674.

Carriers of Goods.

Proper plaintiff in action for failure to deliver freight.

Louisville, etc., R. Co. *v.* Allgood (Ala.), vol. 6, p. 771.

State not a party to action by carrier to restrain railroad commission from compelling it to affix war revenue stamp.

Dinsmore *v.* Southern Exp. Co. (Ga.), vol. 13, p. 314.

Carriers of passengers, severance of parties plaintiff in action for breach of contract to carry funeral party.

Southern Ry. Co. *v.* Marshall (Ky.), vol. 23, p. 82.

Consignor as plaintiff in action for delay in delivery of freight.

Southern Ry. Co. *v.* Deakins (Tenn.), vol. 23, p. 122.

Defect of parties, amendment.

Van Doren *v.* Pennsylvania R. Co. (C. C. A.), vol. 13, p. 577.

Effect of special entry of appearance for the purpose of objecting to jurisdiction, under Kentucky statute.

Maysville & B. S. R. Co. *v.* Ball (Ky.), vol. 20, p. 186.

Enforcement of statutory requirements to make connections with other railroads.

Southern Ry. Co. *v.* Commonwealth (Va.), vol. 20, p. 360.

PARTIES—Continued.

In action by wife for her personal injuries, the fact that her husband was named in the writ as co-plaintiff was no ground for demurrer to complaint.

Brockett *v.* Fair Haven & W.

R. Co. (Conn.), vol. 20, p. 406.

Judgment will not be reversed as to proper defendant by reason of improper joinder of another.

Louisville Southern Ry. Co. *v.*

Tucker (Ky.), vol. 12, p. 806.

Lessor and lessee should be made defendants in action to subject railway to lessee's liability.

Little Rock, etc., Ry. Co. *v.*

Daniels (Ark.), vol. 19, p. 609.

Mandamus to compel construction of bridge over street.

Williams, State's Atty., *v.*

New York, N. H. & H. R. Co.

(Conn.), vol. 12, p. 860.

Misjoinder not prejudicial.

Louisville & N. R. Co. *v.* Van-

cleave (Ky.), vol. 21, p. 477.

Railroad as a party, under Iowa Code requiring interrogatories to be answered.

Blair *v.* Sioux City & P. Ry.

Co. (Iowa), vol. 10, p. 306.

Receivers.

Purchaser of railroad is properly sole defendant to action for injuries during receivership where liabilities were assumed by him.

Thompson *v.* Northern Pac.

Ry. Co. (C. C. A.), vol. 13, p. 651.

Religious corporation as party to action.

Chicago, etc., Ry. Co. *v.* First

M. E. Church of Leaven-

worth (C. C. A.), vol. 19, p. 538.

Revival of action by sheriff in official capacity, where successor has qualified before trial.

Southern Ry. Co. in Missis-

sippi *v.* Miller, Sheriff

(Miss.), vol. 22, p. 680.

Right of one claiming to have loaned to company money to intervene in action by bondholders to foreclose mortgage.

First Nat. Bank of Grand

Junction *v.* Wyman (Colo.),

vol. 23, p. 277.

PARTIES—Continued.

Scope of order.

Atty. Gen. ex rel. Moore *v.*

American Exp. Co. (Mich.),

vol. 13, p. 95.

State's consent to be sued not contained in sec. 3669 of the Political Code of California.

Smith *v.* Reeves (U. S.), vol.

19, p. 591.

State's power to attach condition to its consent to be sued.

Smith *v.* Reeves (U. S.), vol.

19, p. 592.

State's right to claim exemption from suit by federal corporation.

Smith *v.* Reeves (U. S.), vol.

19, p. 592.

PARTNERSHIP.

See Carriers of Goods.

Connecting Carriers.

Consent given to construction of road in street by one member of the firm.

White *v.* Manhattan Railway

Co. (N. Y.), vol. 1, p. 351.

PASSENGERS.

See Carriers of Passengers.

Stations and Depots.

Street Railways.

PASSES.

See Free Passes.

Successors.

Tickets and Fares.

Conditions.

Muldoon *v.* Seattle City R.

Co. (Wash.), vol. 2, p. 110.

Constitutional prohibition of acceptance of free pass by public official.

People *v.* Rathbone (N. Y.),

vol. 2, p. 166.

Effect of limitation on right of recovery by administratrix.

Chicago, R. I. & P. Ry. Co. *v.*

Martin (Kan.), vol. 12, p. 4.

Estoppel of public official to deny validity of free pass issued to him.

Muldoon *v.* Seattle City R.

Co. (Wash.), vol. 2, p. 110.

Liability of company.

Thompson *v.* Yazoo & M. V. R.

Co. (La. Ann.), vol. 2, p. 212.

Liability of purchaser of railroad plant for pass issued by seller.

Dickey *v.* Kansas City & Inde-

pendence Rapid Transit Co.

(Mo.), vol. 1, p. 710.

PASSES—Continued.

- Nature of covenant to issue pass.
Dickey v. Kansas City & Independence Rapid Transit Co.
 (Mo.), vol. 1, p. 710.

PATENTS.

- Barr patent, No. 349,134, for coal and iron car, void because patentee was not the original inventor.
Barr Car Co. v. Chicago, etc., Ry. Co. (C. C. A.), vol. 23, p. 587.
 Failure to assert claim because of duress.
Barr Car Co. v. Chicago, etc., Ry. Co. (C. C. A.), vol. 23, p. 587.
 Sufficiency of evidence as to who was inventor.
Barr Car Co. v. Chicago, etc., Ry. Co. (C. C. A.), vol. 23, p. 587.

PAY CHECKS.

- Estoppel in action against drawee paying to wrong party on forged indorsement.
Chicago, etc., R. Co. v. Burns (Neb.), vol. 22, p. 883.
 Liability of drawee paying to wrong party on forged indorsement.
Chicago, etc., R. Co. v. Burns (Neb.), vol. 22, p. 883.
 Railroad pay checks not a check on the bank.
Chicago, etc., R. Co. v. Burns (Neb.), vol. 22, p. 883.

PAYMENT.

- See Liens.*
 Acceptance of promissory note.
Chicago, etc., R. Co. v. Burns (Neb.), vol. 22, p. 883.

PAYMENT OF FARE.

- See Carriers of Passengers.*

PECUNIARY CONDITION.

- See Exemplary Damages.*

PENAL STATUTES.

- Hall v. Norfolk & Western Railroad Co. (W. Va.)*, vol. 8, p. 632.

PENALTIES.

- See Carriers of Passengers.*
Interstate Commerce.
Tickets and Fares.

PENALTIES—Continued.

- Construction of statute forbidding obstruction of crossing.
Simon v. Baltimore & O. R. Co. (Pa.), vol. 3, p. 654.
 Statute imposing fine on railroads for charging excessive rates.
Louisville & N. R. Co. v. Commonwealth (Ky.), vol. 4, p. 193.

PENS.

- See Carriers of Live Stock.*

PERSONAL INJURIES.

- See Accidents on Track.*
Carriers of Passengers.
Children.
Contributory Negligence.
Crossings.
Damages.
Death by Wrongful Act.
Evidence.
Express Companies.
Fellow Servants.
Licensees.
Master and Servant.
Negligence.
Proximate Cause.
Railroads in Streets.
Trespassers.

Carriers of Passengers.

- Liability for injury caused by fall while running from derailed car.
Tuttle v. Atlantic City R. Co. (N. J.), vol. 22, p. 876.

Contributory Negligence.

- Application of statute making it unnecessary to plead absence of contributory negligence.
Southern Ind. Ry. Co. v. Peyton (Ind.), vol. 23, p. 343.
 Constitutionality of statute dispensing with allegations of.
Indianapolis St. Ry. Co. v. Robinson (Ind.), vol. 23, p. 628.
Southern Ind. Ry. Co. v. Peyton (Ind.), vol. 23, p. 343.

- Effect of exclusion of pending actions on constitutionality of statute permitting plaintiff to omit allegations or proof of absence of contributory negligence.

- Indianapolis St. Ry. Co. v. Robinson (Ind.)*, vol. 23, p. 181.

PERSONAL INJURIES—Continued.

Negligence after discovery of peril.

Tully *v.* Philadelphia, etc.,
R. Co. (Del.), vol. 23, p. 209.

Pleading absence of.

Pittsburgh, C., C. & St. L.
Ry. Co. *v.* Martin (Ind.),
vol. 23, p. 485.

Presumption from failure to allege freedom from contributory negligence.

Southern Ind. Ry. Co. *v.*
Peyton (Ind.), vol. 23, p. 453.

Presumption supporting verdict where conflict between verdict and special answer, in action for killing engineer of other road at intersection.

Southern Ind. Ry. Co. *v.*
Peyton (Ind.), vol. 23, p. 343.

Damages.

Admissibility of evidence as to size of plaintiff's family in action for injury to employee.

Youngblood *v.* South Carolina & G. R. Co. (S. Car.),
vol. 20, p. 622.

Cost of medical treatment.

Knopf *v.* Philadelphia, W.
& B. R. Co. (Del.), vol. 20,
p. 172.

Separate recovery for successive injuries.

Illinois Cent. R. Co. *v.*
Stewart (Ky.), vol. 21, p. 874.

Sick benefits not received by company cannot be considered by jury in making up verdict.

Baltimore City Pass. Ry.
Co. *v.* Baer (Md.), vol. 22,
p. 662.

Evidence.

Evidence as to whether plaintiff appeared to suffer.

Cicero & P. St. Ry. Co. *v.*
Priest (Ill.), vol. 22, p. 694.

Groans not objectionable as declarations in own favor.

Cicero & P. St. Ry. Co. *v.*
Priest (Ill.), vol. 22, p. 694.

Opinion of physician as to cause of injury to nervous system as evidence.

Baltimore City Pass. Ry.
Co. *v.* Baer (Md.), vol. 22,
p. 662.

PERSONAL INJURIES—Continued.

Physical examination of plaintiff, whether an order to make is ever proper evidence for the purpose of giving credit to testimony of physicians appointed, *quaere?*

Aske *v.* Duluth & I. R. R.
Co. (Minn.) vol. 21, p. 819.

Harmless variance as to how injury was received.

Chitty *v.* St. Louis, I. M. &
S. Ry. Co. (Mo.) vol. 23,
p. 829.

Instruction as to nature of personal injury not warranted by evidence.

Cicero & P. St. Ry. Co. *v.*
Brown (Ill.), vol. 23, p. 930.

Liability for injury caused by fall while running from derailed car.

Tuttle *v.* Atlantic City R. Co.
(N. J.), vol. 22, p. 876.

Liability for physical injury occasioned by fall while attempting to escape danger.

Tuttle *v.* Atlantic City R. Co.
(N. J.), vol. 22, p. 876.

Liability of company for injuries arising from fright caused by its negligence.

Mitchell *v.* Rochester Ry. Co.
(N. Y.), vol. 8, p. 215.

Licenseses.

Liability for injuries to boy on train by invitation of fireman.

Louisville & N. R. Co. *v.*
Thornton (Ky.), vol. 19, p. 229.

Master and Servant.

Liability for second injury to switchman injured through negligence of engineer in backing train.

Illinois Cent. R. Co. *v.*
Stewart (Ky.), vol. 21, p. 874.

Negligence, question for jury.
Bach *v.* Iowa Cent. Ry. Co.
(Iowa), vol. 20, p. 161.

Release of claim for damages in consideration of future employment, certainty and mutuality in agreement.

Rhoades *v.* Chesapeake &
O. Ry. Co. (W. Va.), vol. 22, p. 283.

PERSONAL INJURIES—Continued.

Pleading, failure to aver due diligence in providing medical attention in action for injury to passengers.

Indianapolis St. Ry. Co. v. Robinson (Ind.), vol. 23, p. 628.

Right of married woman injured in Arkansas but domiciled in Louisiana, to sue in her own name in former state, under its statute.

Texas, etc., Ry. Co. v. Humble (U. S.), vol. 20, p. 821.

Right to argue that plaintiff was in habit of bringing damage suits.

Wheeler v. Detroit Electric Ry. Co. (Mich.), vol. 23, p. 595.

PERSONAL PROPERTY.

See Eminent Domain.

PERSONS.

See Constitutional Law.

A railroad is a person within the meaning of the fourteenth amendment of the constitution of the United States.

Smyth, Atty. Gen., v. Ames (U. S.), vol. 10, p. 1.

PHOTOGRAPHS.

See Evidence.

Photographs of locus in quo.

Hampton v. Norfolk & W. R. Co. (N. Car.), vol. 7, p. 510.

X-ray photographs as evidence.

Bruce v. Beall (Tenn.), vol. 9, p. 841.

PHYSICAL EXAMINATIONS.

See Personal Injuries.

Authority of court to order.

Lane v. Spokane Falls & N. Ry. Co. (Wash.), vol. 14, p. 436.

Refusal to order.

Southern Kansas Ry. Co. v. Michaels (Kan.), vol. 8, p. 764.

PHYSICIANS AND SURGEONS.

Admissibility of statements to physician.

Williams v. Great Northern Ry. Co. (Minn.), vol. 7, p. 230.

PHYSICIANS AND SURGEONS—Continued.

Estimating doctor's bill in awarding damages.

Parker v. South Carolina & G. Ry. Co. (S. Car.), vol. 6, p. 731.

Evidence.

Holman v. Union St. Ry. Co. of Saginaw (Mich.), vol. 9, p. 105.

Hearsay evidence of what plaintiff said to physician in action for injuries to passenger.

Webber v. St. Paul City Ry. Co. (Minn.), vol. 6, p. 775.

In an action to recover for personal injuries, it was not error to refuse an instruction that if the plaintiff was injured by the collision he was bound by law to use ordinary care, not to aggravate the injury. It was therefore his duty to employ such medical assistance as ordinary prudence in his situation required.

Chicago & E. R. Co. v. Meech (Ill.), vol. 7, p. 667.

PIPES.

See Easements.

PLATFORMS.

See Carriers of Passengers.

Stations and Depots.

Street Railways.

A passenger on a train instead of leaving it by a safe exit which was provided, alighted on the other side on a platform which was so narrow that he was injured by a second train which came up on the opposite side of the platform.

Illinois Cent. R. Co. v. Davidson (U. S.), vol. 7, p. 715.

Lighting platforms.

Louisville & N. R. Co. v. Ricketts (Ky.), vol. 6, p. 186.

Riding on platforms.

Mann v. Philadelphia Traction Co. (Pa. St.), vol. 4, p. 260.

PLEADING.

See Accidents on Tracks.

Carriers of Freight.

Carriers of Passengers.

Complaint.

Constitutional Law.

Contributory Negligence.

Crossings.

Damages.

PLEADING—Continued.

See Death by Wrongful Act.

Equity.

Fires.

Interstate Commerce.

Legal Conclusions.

Limiting Liability.

Master and Servant.

Negligence.

Railroads in Streets.

Taxation.

Trial.

Variance.

Water and Watercourses.

Middle Georgia & A. Ry. Co. v. Barnett (Ga.), vol. 12, p. 532.

Abandonment of theory of cause of action.

Atchison, T. & S. F. R. Co. v. Kansas Farmers' Ins. Co. (Kan. App.), vol. 11, p. 847.

Accidents on Track.

Complaint for personal injuries to child sustained on street railway.

Cunningham v. Los Angeles Ry. Co. (Cal.), vol. 7, p. 783.

Sufficiency of petition.

Barfield v. Southern Ry. Co. (Ga.), vol. 15, p. 735.

Whether departure in reply, in action for death on track.

Cederson v. Oregon, R. & Nav. Co. (Ore.), vol. 22, p. 655.

Action for personal injuries.

Beath v. Rapid Ry. Co. (Mich.), vol. 15, p. 793.

Action for personal injuries, amendment of special pleas.

Woodward Iron Co. v. Andrews (Ala.), vol. 8, p. 755.

Allegations in action for personal injuries.

Williams v. Oregon Short Line R. Co. (Utah), vol. 12, p. 61.

Allegation of negligence.

Spire v. South Bound R. Co. (S. Car.), vol. 5, p. 708.

Allegation of receivership in action for injuries.

Vasele v. Grant Street Electric Ry. Co. (Wash.), vol. 9, p. 75.

Allegation of wilfulness, sufficiency.

Ulrich v. Cleveland, C., C. & St. L. Ry. Co. (Ind.), vol. 13, p. 783.

PLEADING—Continued.

Alleging negligence.

Highland Ave. & B. R. Co. v. Swope (Ala.), vol. 13, p. 856.

Alternative allegations.

Matz v. Chicago & A. R. Co. (Mo.), vol. 10, p. 592.

Amendment.

Central of Georgia Ry. Co. v. Forshee (Ala.), vol. 18, p. 467.

Charleston & W. C. Ry. Co. v. Miller (Ga.), vol. 21, p. 339.

Dublin v. Taylor, B. & H. Ry. Co. (Tex.), vol. 13, p. 461.

Glover v. Savannah, F. & W. Ry. Co. (Ga.), vol. 13, p. 566.

Sims v. Ohio River & C. Ry. Co. (S. Car.), vol. 15, p. 666.

Blending causes of action.

Chicago, R. I. & P. R. Co. v. O'Neill (Neb.), vol. 13, p. 371.

Carriers of Goods.

A count of the declaration in an action to recover the value of goods destroyed through the alleged negligence of a common carrier which alleges both a consideration and a promise, is one *ex contractu*, and not *ex delictu*.

Tallassee Falls Mfg. Co. v. Western Ry. of Alabama (Ala.), vol. 10, p. 339.

Action against carrier for injury to shipper's servant, where car was transferred to shipper over connecting lines.

Olson v. Pennsylvania & O. Fuel Co. (Minn.), vol. 15, p. 837.

Failure to allege plaintiff was owner or that he was the party with whom contract of shipment was made.

United States Mail Line Co. v. Carrollton Furniture Mfg. Co. (Ky.), vol. 9, p. 286.

Proper plaintiff in action for injury to freight.

Waters v. Mobile, etc., R. Co. (Miss.), vol. 6, p. 771.

Carriers of Live Stock.

Declaration in action to recover for injuries to live stock defective in not averring compliance with condition precedent in contract.

Baxter v. Louisville, N. A. & C. Ry. Co. (Ill.), vol. 6, p. 618.

PLEADING—Continued.**Carriers of Passengers.**

Action for loss of baggage.

Ranchau *v.* Rutland R. Co.
(Vt.), vol. 14, p. 416.

Alleging knowledge in action
by passengers injured by
mail pouch thrown from
train.

Shaw *v.* Chicago & G. T. Ry.
Co. (Mich.), vol. 18, p. 131.

Complaint in action for inju-
ries to passenger alighting
temporarily at intermediate
station not demurrable be-
cause it did not state plain-
tiff's object in alighting.

Missouri, K. & T. Ry. Co. *v.*
Overfield (Tex. Civ. App.),
vol. 12, p. 207.

Complaint in action for injury
to passenger which charges
that negligence of defend-
ant's servants occasioned
such injuries and sets forth
the acts causing them is not
demurrable for failure to
state which act or acts were
negligent.

Missouri, K. & T. Ry. Co. *v.*
Overfield (Tex. Civ. App.),
vol. 12, p. 207.

Exemplary damages for ejection
of passengers.

Louisville *v.* N. R. Co. *v.*
Ray (Tenn.), vol. 11, p. 174.

Frivolous motion by defendant
to strike out allegation as to
how injury was inflicted, in
action for injury to passen-
ger in collision.

Brockett *v.* Fair Haven &
W. R. Co. (Conn.), vol. 20,
p. 406.

Justification in action for ejection
of passengers.

Wright *v.* Union R. Co. (R.
I.), vol. 18, p. 234.

Need not plead that injury to
passengers was actionable
under law of foreign state.

Illinois Cent. R. Co. *v.* Kuhn
(Tenn.), vol. 22, p. 324.

Riding on platform.

Reber *v.* Pittsburg & B.
Traction Co. (Pa.), vol. 7,
p. 786.

Right to plead in the alterna-
tive to meet the possible con-
ditions of testimony, in
action for injury to passen-
ger in a collision.

Brockett *v.* Fair Haven &
W. R. Co. (Conn.), vol. 20,
p. 406.

PLEADING—Continued.

Sufficiency of answer in action
for injury to passenger.

Highland Ave. & B. R. Co.
v. Swope (Ala.), vol. 13, p.
856.

Where passenger sues com-
pany selling ticket for inju-
ries received while being
carried by another company,
the contract between the
two companies is a matter of
defense.

Barkman *v.* Pennsylvania
R. Co. (N. J.), vol. 12, p.
250.

Whether misjoinder in plead-
ing injury to passenger's
good name not as separate
cause of action.

Procter *v.* Southern Cali-
fornia Ry. Co. (Cal.), vol.
19, p. 77.

Challenging plaintiff's compe-
tency to sue.

Gaulden *v.* Kansas City S. Ry.
Co. (La.), vol. 23, p. 909.

Changing from allegation of
wilful neglect to that of gross
neglect.

Roseberry *v.* Newport News
& M. V. R. Co. (Ky.), vol. 10,
p. 844.

Conclusions of fact.

Rush *v.* Spokane Falls & N.
Ry. Co. (Wash.), vol. 20, p.
285.

Contributory Negligence.

Alabama G. S. R. Co. *v.*
Burgess (Ala.), vol. 10, p.
836.

Cleveland, C., C. & St. L. Ry.
Co. *v.* Miller (Ind.), vol. 9,
p. 684.

Hughes *v.* Chicago & Alton
R. Co. (Mo.), vol. 2, p. 284.

Illinois C. R. Co. *v.* Davis
(Tenn.), vol. 18, p. 708.

Illinois Cent. R. Co. *v.* Nall
(Ky.), vol. 16, p. 828.

Johnson *v.* Louisville & N.
R. Co. (Ala.), vol. 2, p. 381.

Kansas City, M. & B. R. Co.
v. Lackey (Ala.), vol. 7, p.
769.

Louisville, etc., R. Co. *v.*
Brown (Ala.), vol. 14, p.
794.

Sirk *v.* Marion St. R. Co.
(Ind. App.), vol. 2, p. 381.

Negating contributory negli-
gence.

Chicago & E. R. Co. *v.*
Thomas (Ind.), vol. 9, p.
181.

PLEADING—Continued.

Plaintiff need not allege due care in action for personal injuries where petition does not show contributory negligence.

Galveston, H. & H. R. Co. v. Bohan (Tex.), vol. 12, p. 490.

Pleading absence of contributory negligence in federal courts.

Chicago G. W. Ry. Co. v. Price (C. C. A.), vol. 16, p. 324.

Sufficiency of general allegation, in answer, of contributory negligence on part of plaintiff.

Chicago, B. & O. R. Co. v. Oyster (Neb.), vol. 12, p. 656.

Corporate existence.

Douglass v. Kanawha & M. Ry. Co. (W. Va.), vol. 10, p. 883.

Missouri, K. & T. Ry. Co. v. Elliott (Ind. Ter.), vol. 14, p. 587.

Count combining statutory and common-law negligence.

Blackmore v. Mo. Pac. Ry. Co. (Mo.), vol. 21, p. 360.

Counts, departure.

Rinard v. Omaha, K. C. & E. Ry. Co. (Mo.), vol. 22, p. 34.

Counts, election.

Rinard v. Omaha, K. C. & E. Ry. Co. (Mo.), vol. 22, p. 34.

Cross-referring counts.

Florida Cent. & P. R. Co. v. Foxworth (Fla.), vol. 13, p. 469.

Crossings.

A complaint alleging a failure to give signals, sufficiently alleges negligence of defendant, in an action for injuries at a crossing; and a general allegation of freedom from fault is a sufficient denial that plaintiff's contributory negligence was the proximate cause of his injury.

Baltimore & O. S. W. R. Co. v. Young (Ind.), vol. 6, p. 349.

Defect in petition cured in action for defendant's failure to furnish proper wagon ways.

Louisville & N. R. Co. v. Pittman (Ky.), vol. 23, p. 55.

PLEADING—Continued.

Negligence in failing to give signals.

Bowen v. Southern Ry. Co. (S. Car.), vol. 18, p. 331.

Negligence in failing to maintain lookout at crossing.

Central of Georgia Ry. Co. v. Forshee (Ala.), vol. 18, p. 467.

Pleading, statute requiring stoppage of train at crossings.

Cleveland, C., C. & St. L. Ry. Co. v. Gray (Ind.), vol. 8, p. 48.

Statutory offences.

Cleveland, C., C. & St. L. Ry. Co. v. Gray (Ind.), vol. 8, p. 48.

Sufficiency of complaint in action for injury at crossing.

Southern Ry. Co. v. Prather (Ala.), vol. 14, p. 832.

Sufficiency of complaint in action for negligence at crossing.

Rothars v. Illinois Cent. R. Co. (Miss.), vol. 15, p. 185.

Sufficiency of complaint in action to compel construction of crossing in street.

Evansville & T. H. R. Co. v. State ex rel. Town of Ft. Branch (Ind.), vol. 11, p. 278.

There can be no recovery for failure to observe common-law duty of ordinary care towards the person on a street crossing where the only cause of action alleged is defendant's breach of duty as a carrier of passengers.

Chicago & E. I. R. Co. v. Jennings (Ill.), vol. 22, p. 127.

Wantonness or willful negligence, in obstructing crossing.

Southern Ry. Co. v. Prather (Ala.), vol. 14, p. 832.

Curing defect in petition in absence of demurrer.

Louisville & N. R. Co. v. Simpson (Ky.), vol. 23, p. 592.

Damages.

Smith v. Pittsburgh & W. Ry. Co. (Ohio), vol. 13, p. 716.

PLEADING—Continued.

- Action for damages for appropriation of land.
 Pittsburgh, C., C. & St. L. Ry. Co. *v.* Beck (Ind.), vol. 13, p. 353.
- Action to recover for damage from fire.
 Baltimore & O. S. W. Ry. Co. *v.* Tripp (Ill.), vol. 14, p. 119.
- Averment of damages.
 Chicago & E. R. Co. *v.* Meech (Ill.), vol. 7, p. 667.
- Interest must be claimed in complaint.
 Haner *v.* Northern Pac. Ry. Co. (Idaho), vol. 19, p. 628.
- Motion to strike the whole will not be granted where count contains both proper and improper elements of damage.
 Louisville & N. R. Co. *v.* Quick (Ala.), vol. 20, p. 25.
- Pecuniary loss need not be specifically alleged in action by widow for death.
 Haug *v.* Great Northern Ry. Co. (N. Dak.), vol. 12, p. 26.
- Petition in action for death by wrongful act must show pecuniary interest of beneficiary.
 Chicago, R. I. & P. Ry. Co. *v.* Young (Neb.), vol. 14, p. 343.
- Plaintiff cannot claim or recover damages upon grounds of negligence other than those alleged in his petition.
 Brown *v.* Chicago, R. I. & P. Ry. Co. (Kan.), vol. 11, p. 408.
- Death by Wrongful Act.**
 Nohrden *v.* Northeastern R. Co. (S. Car.), vol. 13, p. 557.
- Action for death by wrongful act.
 Chicago, B. & O. Ry. Co. *v.* Bond (Neb.), vol. 15, p. 759.
- Action to recover for wrongful death.
 Norfolk & W. Ry. Co. *v.* Stevens (Va.), vol. 16, p. 468.
- Harmless error in overruling demurrer, in action for wrongful death where complaint contained several good counts.
 Louisville & N. R. Co. *v.* York (Ala.), vol. 23, p. 470.

PLEADING—Continued.

- Petition in action for wrongful death.
 Bias *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 13, p. 616.
- Petition under Lord Campbell's act not bad on demurrer for failure to allege whether deceased left a widow, if the names of the surviving minor children are averred.
 Chicago, B. & O. R. Co. *v.* Oyster (Neb.), vol. 12, p. 656.
- Defective complaint cured by verdict.
 Chicago & N. W. R. Co. *v.* Delaney (Ill.), vol. 13, p. 859.
- Defective petition cured by answer.
 Elliot *v.* Louisville & N. R. Co. (Ky.), vol. 15, p. 805.
- Demurrer to alternative pleas.
 Linck *v.* Louisville & N. R. Co. (Ky.), vol. 16, p. 831.
- Demurrer to answer.
 Pittsburgh, C., C. & St. L. Ry. Co. *v.* Hosea (Ind.), vol. 14, p. 692.
- Duplicity.
 Woodward Iron Co. *v.* Hernon (Ala.), vol. 7, p. 124.
- Effect of demurrer where declaration contains two or more counts, one of which is good.
 New York, etc., R. Co. *v.* Jones (Md.), vol. 23, p. 528.
- Effect of taking issue upon improper pleas.
 Memphis & C. R. Co. *v.* Martin (Ala.), vol. 23, p. 683.
- Eminent domain, amendment of pleadings in condemnation proceedings.
 Bigelow *v.* Draper (N. Dak.), vol. 7, p. 771.
- Eminent domain, cost of proposed improvement need not be stated in condemnation proceedings.
 Illinois Cent. R. Co. *v.* Town of Normal (Ill.), vol. 13, p. 367.
- Eminent domain, sufficiency of petition in condemnation proceeding.
 Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Ala.), vol. 13, p. 423.
- Error superinduced by adversary.
 Missouri, K. & T. Ry. Co. *v.* Truskett (Ind. Ter.), vol. 17, p. 273.

PLEADING—Continued.

Evidence, admissibility of where general and specific allegations of negligence.

Traver *v.* Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.

Evidence of ownership of locus in quo admissible under allegation of general ownership.

Cederson *v.* Oregon R. & Nav. Co. (Ore.), vol. 22, p. 655.

Evidential facts constituting negligence need not be pleaded.

Connell *v.* Chesapeake & O. Ry. Co. (Ky.), vol. 19, p. 236.

Fellow Servants.

Liability of company for act of fellow servants.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Montgomery (Ind.), vol. 9, p. 792.

Fires Set by Locomotives.

Action against railroad for loss caused by fire.

Louisville & N. R. Co. *v.* Spring Water Distilling Co. (Ky.), vol. 15, p. 527.

Pleading negligence in action to recover for damages caused by fire.

Baltimore & O. R. Co. *v.* Kreager (Ohio), vol. 18, p. 99.

Sufficiency of statement of cause of action for destruction of property by fire set by locomotive.

Alabama G. S. R. Co. *v.* Johnston (Ala.), vol. 20, p. 909.

Frightening Teams.

Separable acts of negligence in action for frightening horses.

Louisville & N. R. Co. *v.* Shearer (Ky.), vol. 20, p. 138.

Harmless error in sustaining demurrer to separate counts.

McCoy *v.* Norfolk & C. R. Co. (Va.), vol. 22, p. 838.

Immaterial variance.

Potter *v.* Detroit, G. H. & M. Ry. Co. (Mich.), vol. 16, p. 264.

Imputable negligence.

Evans *v.* Lake Erie & W. R. Co. (Ind.), vol. 10, p. 837.

Injuries to Property.

Action for injury to land by

PLEADING—Continued.

spreading embankment on right of way.

Sims *v.* Ohio River & C. Ry. Co. (S. Car.), vol. 15, p. 666.

Action to recover for injury to property from railroad in street.

Chesapeake & O. Ry. Co. *v.* Moats (Ky.), vol. 15, p. 645.

Insufficiency of petition remedied by answer.

Powell *v.* Sherwood (Mo.), vol. 22, p. 53.

Legal conclusions.

Baker *v.* Louisville & N. Terminal Co. (Tenn.), vol. 20, p. 946.

Master and Servant.

Allegation of absence of contributory negligence.

Savannah, F. & W. Ry. Co. *v.* Chaney (Ga.), vol. 11, p. 1.

Defect in petition cured by verdict in action for injury to brakeman from defect in roadbed.

Chesapeake & N. R. Co. *v.* Venable (Ky.), vol. 21, p. 449.

Employee whose negligence was cause of injury need not be specified in complaint.

Rinard *v.* Omaha, etc., Ry. Co. (Mo.), vol. 22, p. 34.

Failure of master to make and enforce proper rules not a sufficient averment of an element of negligence upon which to base an action for injuries to an employee.

Delaware, L. & W. R. Co. *v.* Voss (N. J.), vol. 12, p. 820.

Failure of plaintiff to allege that he was engaged in the performance of his duty when injured.

Broslin *v.* Kansas City, M. & B. R. Co. (Ala.), vol. 9, p. 99.

Failure to aver in complaint that alleged negligent employee was, at the time of the injury, in the discharge of duties imposed by his employment.

Woodward Iron Co. *v.* Hernndon (Ala.), vol. 7, p. 124.

PLEADING—*Continued.*

- Failure to aver name of negligent employee.
 Woodward Iron Co. *v.* Hern-
 don (Ala.), vol. 7, p. 124.
- Failure to give signals, insuffi-
 ciency of declaration.
 Savannah, F. & W. Ry. Co.
v. Chaney (Ga.), vol. 11,
 p. 1.
- In an action by a baggage
 master to recover for in-
 juries alleged to have been
 caused by the negligence of
 the engineer in running the
 train it is not necessary
 that the petition should
 allege that they are fellow
 servants.
 Chicago & A. Ry. Co. *v.*
 Swan (Ill.), vol. 12, p. 674.
- Knowledge of defective appli-
 ances.
 Broslin *v.* Kansas City, M.
 & B. E. Co. (Ala.), vol. 9,
 p. 99.
- Knowledge of rules must be
 pleaded.
 Union Stock-Yards Co. *v.*
 Goodwin (Neb.), vol. 12,
 p. 502.
- Relief associations.
 Maine *v.* Chicago, B. & Q.
 R. Co. (Iowa), vol. 9, p.
 299.
- Sufficiency of allegation to
 show defective track.
 Banks *v.* Georgia R. & Bank-
 ing Co. (Ga.), vol. 20, p.
 225.
- More than one replication may
 be filed.
 Wilnot *v.* Yazoo & M. Val. R.
 Co. (Miss.), vol. 19, p. 263.
- Negligence.**
 Central of Georgia Ry. Co.
v. Forshee (Ala.), vol. 18,
 p. 467.
 Chicago, R. I. & P. Ry. Co.
v. Young (Neb.), vol. 14, p.
 343.
 Crawford *v.* Southern Ry.
 Co. (Ga.), vol. 16, p. 829.
 Illinois Cent. R. Co. *v.* Davis
 (Tenn.), vol. 18, p. 708.
 Keating *v.* Detroit, B. C. &
 A. R. Co. (Mich.), vol. 2,
 p. 382.
 New York, N. H. & H. R.
 Co. *v.* O'Leary (C. C. A.),
 vol. 14, p. 718.
 San Antonio & A. P. Ry. Co.
v. De Ham (Tex.), vol. 16,
 p. 843.

PLEADING—*Continued.*

- Schweinfurth *v.* Cleveland,
 C., C. & St. L. Ry. Co.
 (Ohio), vol. 15, p. 73.
 Sims *v.* Western & A. R. Co.
 (Ga.), vol. 17, p. 756.
 Sirk *v.* Marion St. R. Co.
 (Ind. App.), vol. 2, p. 381.
 Walker *v.* McNeill (Wash.),
 vol. 11, p. 738.
- Defective brake may be shown
 under general allegation of
 negligence.
 Walton *v.* Chattanooga
 Rapid Transit Co. (Tenn.),
 vol. 19, p. 436.
- General allegation of negli-
 gence followed by enumera-
 tion of specific acts.
 McManamee *v.* Missouri
 Pac. R. Co. (Mo.), vol. 5,
 p. 474.
- Held*, that an allegation in the
 complaint herein to the effect
 that the defendant negli-
 gently ran certain cars
 against a tender with such
 force as to injure the plain-
 tiff is sustained by proof
 that it negligently omitted
 to do an act from which such
 result followed.
 Olson *v.* Great Northern Ry.
 Co. (Minn.), vol. 7, p. 241.
- Reckless negligence.
 Louisville & N. R. Co. *v.* An-
 chors (Ala.), vol. 11, p. 657.
- Variance between pleading
 and proof.
 Coulter *v.* Great Northern
 Ry. Co. (N. Dak.), vol. 4,
 p. 336.
- Objection to form waived by
 submitting to default.
 Brockett *v.* Fair Haven & W.
 R. Co. (Conn.), vol. 20, p.
 406.
- Overflow of Land.**
 Notice.
 Nichols *v.* Norfolk, etc., R.
 Co. (N. Car.), vol. 8, p. 768.
- Sufficiency of petition.
 Fremont, etc., R. Co. *v.* Har-
 lin (Neb.), vol. 8, p. 766.
- Plaintiff confined to negligence
 alleged in petition.
 Louisville & N. R. Co. *v.* Clark
 (Ky.), vol. 12, p. 407.
- Pleading and proof in action for
 personal injuries.
 Beath *v.* Rapid Ry. Co. (Mich.),
 vol. 15, p. 793.

PLEADING—Continued.

Pleading tested by demurrer must rely on its own averments.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Moore (Ind.), vol. 14, p. 678.

Priority of supply debts.

Southern R. Co. *v.* Carnegie Steel Co., Limited (C. C. A.), vol. 6, p. 420.

Proper plaintiff in action for failure to deliver freight.

Louisville, etc., Co. *v.* Allgood (Ala.), vol. 6, p. 771.

Railroads in Streets.

Right to recover at common law for injuries caused by piling cinders in street near track, where violation of ordinance was also alleged.

Anderson *v.* Union Terminal R. Co. (Mo.), vol. 20, p. 834.

Reciting pleadings in instructions.

Graybill *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 20, p. 178.

Remedying defect by referring to preceding count.

Baker *v.* Louisville & N. Terminal Co. (Tenn.), vol. 20, p. 946.

Right of Way.

Forfeiture of right of way for nonuser, sufficiency of allegations of bill.

Lyman *v.* Suburban R. Co. (Ill.), vol. 21, p. 828.

Simple negligence.

Louisville & N. R. Co. *v.* Anchors (Ala.), vol. 11, p. 657.

Specifications of negligence.

Lemery *v.* Boston & M. R. Co. (Mass.), vol. 11, p. 17.

Statute of limitations as affected by amendment to.

Box *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 16, p. 527.

Stock, Injuries to.

Amendments of declaration in action for injury to stock on track.

Hathaway *v.* Detroit, etc., Ry. Co. (Mich.), vol. 19, p. 714.

Negligence must be pleaded in action for killing stock.

Denver & R. G. R. Co. *v.* Thompson (Colo.), vol. 14, p. 47.

PLEADING—Continued.

Sufficiency of petition in action for damages arising from failure to erect cattle guard.

Southern Ry. Co. *v.* Harrell (Ga.), vol. 11, p. 859.

Street railways, sufficiency of petition for injunction to compel removal of trolley pole.

Snyder *v.* Ft. Madison St. Ry. Co. (Iowa), vol. 11, p. 53.

Sufficiency of allegation of invalidity of statutes and ordinances.

City of York *v.* Chicago, B. & O. R. Co. (Neb.), vol. 14, p. 200.

Sufficiency of allegation of negligence.

Louisville & N. R. Co. *v.* Marbury L. Co. (Ala.), vol. 18, p. 508.

Sufficiency of petition in action to enforce railroad's subscription to stock.

Military Interstate Ass'n of Savannah *v.* Savannah, T. & I. of H. Ry. (Ga.), vol. 14, p. 824.

Surface water as nuisance.

Baltzger *v.* Carolina Midland Ry. Co. (S. Car.), vol. 14, p. 845.

Taxation.

Power of legislature to exempt property.

Milwaukee Electric Railway & Light Co. *v.* City of Milwaukee (Wis.), vol. 6, p. 411.

Telegraphic orders admissible in evidence in action for death resulting from collision without specific allegation as to whether train dispatcher was negligent.

Rinard *v.* Omaha, etc., Ry. Co. (Mo.), vol. 22, p. 34.

Terminal Companies.

Statutory actions against terminal carrier.

Cave *v.* Carolina Mid. Ry. Co. (S. Car.), vol. 13, p. 195.

Testimony tending to show injury not alleged in complaint.

Gulf, C. & S. F. R. Co. *v.* Warlick (Ind. Ter.), vol. 4, p. 32.

PLEADING—Continued.**Trespassers.**

Pleading wilful negligence in action for injury to trespassers.

Cleveland, C., C. & St. L. Ry. Co. *v.* Tartt (C. C. A.), vol. 18, p. 226.

Under Virginia Code.

Norfolk & W. Ry. Co. *v.* Wood (Va.), vol. 21, p. 317.

Variance.

Ausk *v.* Great Northern Ry. Co. (N. Dak.), vol. 21, p. 851.

Variance in pleading and proof of negligence.

Thomas *v.* Louisville, etc., Ry. Co. (Ky.), vol. 5, p. 708.

Violation of interstate commerce act as a defense.

Missouri, K. & T. Ry. Co. *v.* Bagley (Kan.), vol. 13, p. 259.

Waiver of demurrer.

Mouton *v.* Louisville & N. R. Co. (Ala.), vol. 20, p. 673.

Waiver of objection to departure in reply.

Louisville & N. R. Co. *v.* Simpson (Ky.) vol. 23, p. 592.

Waiver of objection to matter of form by failure to specify in demurrer.

Brockett *v.* Fair Haven & W. R. Co. (Conn.), vol. 20, p. 406.

What necessary to be shown in pleading want of knowledge in order to bring action within statute of limitations.

Murray *v.* Chicago & N. W. Ry. Co. (C. C. A.), vol. 13, p. 278.

Whether second defense an admission of allegations of complaint.

Upton *v.* S. Car. & G. E. Ry. Co. (N. Car.), vol. 21, p. 242.

Wilful negligence.

Louisville & N. R. Co. *v.* Brown (Ala.), vol. 14, p. 794.

Wilfulness and wantonness.

Central of Georgia Ry. Co. *v.* Forshee (Ala.), vol. 18, p. 467.

PLEADING AND PROOF.

See Pleading.

PLEDGE.

Rolling stock.

Mechanics' Trust Co. *v.* Dan-
dridge (Ky.), vol. 8, p. 348.

POLES.

See Abutters.

POLICE POWER.

See Carriers of Passengers.
Carriers of Stock.

Expulsion from train.

Missouri, K. & T. R. Co. *v.* Sanders (Tex. Civ. App.), vol. 3, p. 427.

Compliance with valid police regulations and changes in corporate charters are not subjects for compensation.

Chicago, M. & St. P. Ry. Co. *v.* City of Milwaukee (Wis.), vol. 9, p. 537.

Crossings.

Chicago, M. & St. P. Ry. Co. *v.* City of Milwaukee (Wis.), vol. 9, p. 537.

Essential quality.

Chicago, B. & O. R. Co. *v.* State ex rel. City of Omaha (Neb.), vol. 3, p. 573.

Ordinance requiring railroad companies to construct and keep in repair viaducts over streets closed by their tracks.

Chicago, B. & O. R. Co. *v.* State ex rel. City of Omaha (Neb.), vol. 3, p. 573.

POSTAL CLERKS.

See Carriers of Passengers.
Mail Clerks.
Stations and Depots.

POVERTY.

See Accidents on Track.

POWERS.

See Corporations.

PRACTICE.

See Actions.
Exceptions.
Federal Courts.

Change of cause of action.

Central of Georgia Ry. Co. *v.* Williams (Ga.), vol. 13, p. 861.

Failure to secure attendance of witness as ground for new trial.

Edwards *v.* Foote (Mich.), vol. 23, p. 812.

Motion for new trial waived by motion in arrest of judgment.

Freeman *v.* Illinois Cent. R. Co. (Tenn.), vol. 22, p. 49.

Payment of cost as condition to granting continuance.

Merrieles *v.* Wabash R. Co. (Mo.), vol. 22, p. 158.

PRACTICE—Continued.

- Striking testimony from record.
Chicago, R. I. & P. Ry. Co. *v.*
Sturey (Neb.), vol. 13, p. 849.
- Time for filing motion for new
trial.
Merrielees *v.* Wabash R. Co.
(Mo.), vol. 22, p. 158.
- Trial amendment not entitling
defendant to continuance for
surprise.
Merrielees *v.* Wabash R. Co.
(Mo.), vol. 22, p. 158.

PRAYERS.

- Admitting contributory negli-
gence by conceding prayer.
Philadelphia & B. C. R. Co.
v. Holden (Md.), vol. 22, p.
192.
- Assuming facts.
New York, etc., R. Co. *v.*
Jones (Md.), vol. 23, p. 528.

PREDECESSOR COMPANIES.

See Consolidation of Railroads.

PRE-EMPTORS.

See Public Lands.

PREFERENTIAL CLAIMS.

See Insolvency.
Liens.
Mortgages.
Railroads.
Receivers.

Judgment for award of damages
preferred to mortgage.

Central Trust Co. of New York
v. Hennen (C. C. A.), vol.
13, p. 409.

Loan to pay interest on mort-
gage coupons, lender's right
to preference over mortgagee.
Con. & Bldg. Co. *v.* Continen-
tal Trust Co. (C. C. A.), vol.
21, p. 487.

Money borrowed for private
railroads.

First Nat. Bank of Grand
Junction *v.* Wyman (Colo.),
vol. 23, p. 277.

Of unsecured creditors.

Rhode Island Locomotive
Works *v.* Continental Trust
Co. (C. C. A.), vol. 21, p. 481.

Purchase of locomotives, suffi-
ciency of evidence as to right
to priority of payment out of
proceeds of corpus.

Rhode Island Locomotive
Works *v.* Continental Trust
Co. (C. C. A.), vol. 21, p. 481.

PREFERENTIAL CLAIMS—Continued.

The right of preference attach-
ing to latter claims inheres in
the claim itself and not in
claimant.

Columbus, S. & H. R. Co. Ap-
peals (C. C. A.), vol. 22, p.
209.

PREFERRED STOCK.

See Stock.

PRESCRIPTION.

See Adverse Possession.

Crossings.

Water and Watercourses.

Perfecting title to right of way
by.

Narron *v.* Wilmington & W.
R. Co. (N. Car.), vol. 13, p.
852.

PRESUMPTIONS.

See Accidents on Track.
Appeal.

Carriers of Goods.

Carriers of Passengers.

Common Law.

Connecting Carriers.

Contributory Negligence.

Crossings.

Death by Wrongful Act.

Evidence.

Fires.

Negligence.

Right of Way.

Stock, Injuries to.

Street Railways.

Trespassers.

Accident to employee raises no
presumption of negligence.

Patton *v.* Texas & Pac. Ry.
Co. (U. S.), vol. 20, p. 48.

Fellow servants.

Kansas City, etc., Ry. Co. *v.*
Becker (Ark.), vol. 8, p. 758.

Master and Servant.

Master presumed to have dis-
charged his duty to injured
employee.

Railey *v.* Garbutt (Ga.), vol.
20, p. 211.

Warnings.

Grimmelman *v.* Union Pac.
Ry. Co. (Iowa), vol. 8, p.
322.

Negligence.

Electric Ry. Co. *v.* Carson
(Ga.), vol. 8, p. 769.

Presumption that statute is a
valid exercise of police power.

Atlantic, etc., Ry. Co. *v.* State
(Fla.), vol. 20, p. 501.

PRESUMPTIONS—Continued.

Questions of fact.

Milam *v.* Southern Ry. Co.
(S. Car.), vol. 18, p. 253.

Right to presume that person
seen near track will keep out
of danger.

Galveston, etc., Ry. Co. *v.*
Kieff (Tex.), vol. 20, p. 238.

Taxation, erroneous listing.

Chicago, etc., R. Co. *v.* Cass
County (Neb.), vol. 8, p. 772.

PRIORITY.

See Insolvency.

Liens.

Mortgages.

Preferential Claims.

Receivers.

PRIVATE CARRIERS.

See Carriers of Goods.

PRIVATE CROSSINGS.

See Crossings.

Farm Crossings.

Hardy *v.* Alabama & V. R.
Co. (Miss.), vol. 3, p. 655.

New York, N. H. & H. R.
Co. *v.* Miller (Mass.), vol. 3,
p. 655.

Constitutionality of statute pro-
viding for orders by commis-
sioners that railroad shall
maintain private crossing.

New York & New England
Railroad Company *v.* Rail-
road Commissioners (Mass.),
vol. 1, p. 660.

Duty to maintain.

Willingham *v.* Macon & B. Ry.
Co. (Ga.), vol. 21, p. 340.

Right of subsequent grantee.

Lyon *v.* Hammond & B. I. R.
Co. (Ill.), vol. 9, p. 337.

Where an award of damages for
the separation of land by a
railroad provided for the con-
struction of a passway at a
particular point, the subse-
quent construction of such
passway was not a mere act
of accommodation on the part
of the railway company, but
a compliance with an obliga-
tion.

Rathbun *v.* New York, N. H.
& H. R. Co. (R. I.), vol. 9,
p. 333.

PRIVATE RAILROADS.

A railroad is not private merely
because of its relations with
coal mining company having

PRIVATE RAILROADS—Continued.

same officers and stockhold-
ers, so as to prevent it from
having power of eminent do-
main.

Kansas, etc., Ry. Co. *v.* North-
western Coal & Min. Co.
(Mo.), vol. 20, p. 593.

Care due from master to em-
ployee of private railroad.

Lynn *v.* Antrim Lumber Co.,
Limited (La.), vol. 21, p. 598.

**PRIVILEGED COMMUNICA-
TIONS.**

See Evidence.

Power of personal representa-
tive to waive privilege.

Harrison *v.* Sutter St. Ry. Co.
(Cal.), vol. 8, p. 201.

PRIVILEGES.

See Taxation.

PROCESS.

See Actions.

Garnishment.

Constitutionality of statute pro-
viding that service of process
on operator of railroad is suffi-
cient.

Maysville & B. S. R. Co. *v.*
Ball (Ky.), vol. 20, p. 186.

Error in not granting an order
for the production of papers is
harmless if the evidence is ob-
tained in another manner.

Parker *v.* South Carolina &
G. Ry. Co. (S. Car.), vol.
6, p. 731.

Failure to serve as defense in
action to enforce domestic
judgment.

Maysville & B. S. R. Co. *v.*
Ball (Ky.), vol. 20, p. 186.

Service on foreign corporations.
Leroy & C. Val. Air-Line R.
Co. *v.* Sidell (Kan.), vol. 21,
p. 741.

PROFITS.

See Constitutional Law.

PROHIBITION, WRIT OF.

Receivers.

St. Louis, K. & S. R. Co. *v.*
Wear (Mo.), vol. 4, p. 583.

PROMISSORY NOTES.

See Payments.

PROPERTY.

See Officers.

PROPERTY OWNERS.*See Abutters.***PROSPECTIVE NECESSITIES.***See Eminent Domain.***PROSPECTIVE PASSENGERS.***See Carriers of Passengers.
Stations and Depots.***PROVINCE OF COURT.***See Taxation.***PROXIMATE CAUSE.***See Carriers of Passengers.
Contributory Negligence.
Crossings.
Electric Railroads.
Fires Set by Locomotives.
Frightening Horses.
Master and Servant.
Negligence.*New Orleans & N. E. R. Co.
v. McEwen & Murray, Limited (La.), vol. 7, p. 742.Pennsylvania R. Co. *v.* Snyder (Ohio), vol. 7, p. 768.**Accidents on Track.**

Defective appliances as proximate cause.

Thompson *v.* Salt Lake Rapid-Transit Co. (Utah), vol. 10, p. 563.**Excessive speed.**Adams *v.* Southern Ry. Co. (C. C. A.), vol. 9, p. 747.Pletcher *v.* Scranton Traction Co. (Pa.), vol. 10, p. 715.

Obstruction of track of street railroad by carriage.

Camden, etc., R. Co. *v.* Preston (N. J.), vol. 5, p. 616.

Speed in excess of ordinance does not render company liable for personal injuries unless it was proximate cause.

Walters *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 15, p. 606.Stopping vehicle in such close proximity to track that a passing car collided with it.
Bedford *v.* Spokane St. Ry. Co. (Wash.), vol. 6, p. 795.**Carriers of Goods.**

Negligent delay of carrier not proximate cause of in-

PROXIMATE CAUSE—Cont'd.

jury to goods damaged by fire.

Yazoo & M. V. R. Co. *v.* Millsaps (Miss.), vol. 17, p. 269.**Carriers of Passengers.**

Boarding moving car.

Distler *v.* Long Island R. Co. (N. Y.), vol. 6, p. 235.

Derailment of train.

Davis *v.* Chicago, M. & St. P. R. Co. (Wis.), vol. 4, p. 622.

Derailment of train caused by obstruction placed on track.

Davis *v.* Chicago, etc., Ry. Co. (Wis.), vol. 5, p. 710.

Injury to passenger by ejection.

St. Louis & S. F. R. Co. *v.* Kilpatrick (Ark.), vol. 17, p. 212.

Instructions.

Davis *v.* Chicago, etc., Ry. Co. (Wis.), vol. 5, p. 710.

Negligence.

Chicago B. & Q. R. Co. *v.* Spirk (Neb.), vol. 7, p. 205.

Negligence must be proximate cause.

Chicago, K. & M. R. Co. *v.* Bell (Kan.), vol. 2, p. 222.

Proximate cause of injury to passenger alighting from moving train.

Gulf, etc., Ry. Co. *v.* Rowland (Tex.), vol. 6, p. 775.

Concurring negligence.

Thompson & Salt Lake Rapid-Transit Co. (Utah), vol. 10, p. 563.

Contributory negligence.

Clark *v.* Wright (C. C. A.), vol. 8, p. 431.Pyle *v.* Clark (C. C. A.), vol. 8, p. 431.**Crossings.**

A train remained across a street crossing for some time and plaintiff, undertaking to go around it, sustained injuries caused by a defect in the street. Negligence of the company held not the proximate cause.

Enochs *v.* Pittsburg, etc., R. Co. (Ind.), vol. 5, p. 349.

- PROXIMATE CAUSE—Cont'd.**
- Body of woman struck by an engine striking another person.
 - Wood *v.* Penn. R. Co. (Pa.), vol. 5, p. 672.
 - Defective gate as proximate cause of injury.
 - Baltimore & O. Ry. Co. *v.* Anderson (C. C. A.), vol. 5, p. 667.
 - Failure to give statutory signals as proximate cause.
 - Illinois C. R. Co. *v.* Davis (Tenn.), vol. 18, p. 708.
 - Illinois Cent. R. Co. *v.* Mizell (Ky.), vol. 6, p. 337.
 - Strother *v.* South Carolina, etc., R. Co. (S. Car.), vol. 5, p. 430.
 - Neglect in giving signal.
 - Wragge *v.* South Carolina & G. R. Co. (S. Car.), vol. 4, p. 639.
 - Negligence and contributory negligence at crossing.
 - Silcock *v.* Rio Grande W. Ry. Co. (Utah), vol. 18, p. 459.
 - Whether failure to give crossing signals is proximate cause of injury is for jury.
 - Schaidler *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 15, p. 105.
 - Definition of.
 - Chicago G. W. Ry. Co. *v.* Price (C. C. A.), vol. 16, p. 324.
 - Schneider *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 11, p. 81.
 - Ward *v.* Chicago, M. & St. P. R. Co. (Wis.), vol. 14, p. 322.
 - Fires set by locomotives.
 - Boston Excelsior Co. *v.* Bangor & A. R. Co. (Me.), vol. 16, p. 654.
 - Huffman *v.* King (N. Y.), vol. 16, p. 764.
 - Frightening Teams.**
 - Where injury was caused by a horse being frightened by a train which was being operated in the day time in violation of a municipal ordinance, such violation was the proximate cause of the injury.
 - Pittsburg, C. & St. L. Ry. Co. *v.* Hood (C. C. A.), vol. 15, p. 648.
- PROXIMATE CAUSE—Cont'd.**
- Fright of team at crossing.
 - Stahl *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 11, p. 90.
 - General rule.
 - Florida, etc., R. Co. *v.* Williams (Fla.), vol. 5, p. 710.
 - Injuries arising from fright caused by negligence of company.
 - Mitchell *v.* Rochester Ry. Co. (N. Y.), vol. 8, p. 215.
 - Master and Servant.**
 - Derailment by limb of tree where there was excessive speed.
 - Cox *v.* Chicago & N. W. Ry. Co. (Iowa), vol. 9, p. 604.
 - Fireman's negligence in going under engine without notifying engineer, contrary to established custom, was the proximate cause of his injuries.
 - Crane *v.* Chicago, etc., Ry. Co. (Wis.), vol. 5, p. 706.
 - Injury to laborer on track where train was flagged in time.
 - Jackson *v.* Galveston, H. & S. A. Ry. Co. (Tex.), vol. 8, p. 236.
 - Injury to servant by falling of coal from tender.
 - Weisel *v.* Eastern Ry. Co. of Minn. (Minn.), vol. 17, p. 446.
 - Intervening act of third person.
 - Leavitt *v.* Bangor & A. R. Co. (Me.), vol. 7, p. 354.
 - Negligence of master is proximate cause of injuries of servant injured by being struck by body of trespasser negligently killed by master.
 - Western & A. R. Co. *v.* Bailey (Ga.), vol. 12, p. 739.
 - Section hand remaining on track to remove hand car when he might have jumped and saved himself.
 - Nelling *v.* Chicago, St. P. & K. C. R. Co. (Iowa), vol. 4, p. 539.
 - Sufficiency of instruction.
 - Baxter *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 476.

PROXIMATE CAUSE—*Cont'd.* PUBLIC LANDS—*Continued.*

Where an associate alleged to have been acting as vice-principal slipped while holding in position a pole which fell upon and injured plaintiff.

Hunter v. Kansas City & M. Railway & Bridge Co. (C. C. A.), vol. 10, p. 620.

Question for jury.

Chicago G. W. Ry. Co. v. Price (C. C. A.), vol. 16, p. 324.

McCafferty v. Pennsylvania R. Co. (Pa.), vol. 16, p. 122.

Missouri, K. & T. Ry. Co. v. Byrne (C. C. A.), vol. 18, p. 573.

Question of law and fact.

McCann v. Newark & S. O. R. Co. (N. J.), vol. 4, p. 382.

Wright v. Southern Pac. Co. (Utah), vol. 5, p. 560.

Stock, Injuries to.

Stock injured by train running at unlawful rate of speed.

Central of Georgia Ry. Co. v. Neidlinger (Ga.), vol. 17, p. 758.

Whether speed of train was proximate cause of killing of cow is for jury.

Ford v. St. Louis, I. M. & S. Ry. Co. (Ark.), vol. 15, p. 142.

Where ice on pond was destroyed by oil from tank car.

Commercial Ice Co. v. Philadelphia & R. Ry. Co. (Pa.), vol. 19, p. 171.

PUBLIC DRAINS.

See Right of Way.

PUBLIC LANDS.

See Right of Way.
Taxation.

Abrogation of grant to Northern Pacific.

Northern Pacific R. Co. v. De Lacy (U. S.), vol. 1, p. 657.

Abutting owner cannot enjoin use of public land by railroad.

Burlington Gaslight Co. v. Burlington, C. R. & N. Ry. Co. (U. S.), vol. 11, p. 878.

Authority of legislature to grant right of way through.
Chicago, B. & Q. R. Co. v. Englehart (Neb.), vol. 15, p. 404.

Bona fide purchaser.

Winona, etc., R. Co. v. United States (U. S.), vol. 6, p. 790.

Compensation not condition precedent to right of state to permit construction of a railroad over public lands.

Chicago, B. & Q. R. Co. v. Englehart (Neb.), vol. 15, p. 404.

Conditional grants.

Atlantic & P. R. Co. v. Minus (N. Mex.), vol. 9, p. 881.

State v. Vicksburg, S. & P. R. Co. (La. Ann.), vol. 1, p. 656.

Vicksburg, S. & P. R. Co. v. Elmore (La.), vol. 1, p. 656.

Conflicting claims.

Northern Pacific R. Co. v. Musser Sawtry, L. L. & M. Co. (U. S.), vol. 1, p. 617.

U. S. v. Winona & St. Peter R. Co. (C. C. A.), vol. 1, p. 454.

Wisconsin Central R. Co. v. Forsythe (U. S.), vol. 1, p. 487.

"Consideration received therefor, is still retained."

Lake Superior Ship Canal, Ry. & Iron Co. v. Cunningham (U. S.), vol. 1, p. 566.

Construction of act granting land for railroad purposes.

Lake Superior Ship Canal, Ry. & Iron Co. v. Cunningham (U. S.), vol. 1, p. 564.

Construction of grants.

Barden v. Northern Pacific Railroad Co. (U. S.), vol. 1, p. 512.

Lake Superior Ship Canal, Ry. & Iron Co. v. Cunningham (U. S.), vol. 1, p. 564.

Wisconsin Central R. Co. v. Forsythe (U. S.), vol. 1, p. 487.

Construction of Minnesota statute.

St. Paul v. Chicago, etc., R. Co. (Minn.), vol. 5, p. 711.

PUBLIC LANDS—*Continued.*

- Construction of patent.
 - Lewis *v.* Rio Grande W. Ry. Co. (Utah), vol. 14, p. 822.
- Construction of railways.
 - Churchill *v.* Choctaw Ry. Co. (Okla.), vol. 5, p. 711.
- Construction of various acts.
 - Lake Superior Ship Canal Ry. & Iron Co. *v.* Cunningham (U. S.), vol. 1, pp. 564, 565.
- Conveyance by railroad company of land received by grant.
 - Adams *v.* Reed (Utah), vol. 1, p. 551.
- Cutting timber for railroad from public lands adjacent to right of way.
 - Bachelder *v.* United States (C. C. A.), vol. 9, p. 878.
- Dedication of land.
 - City of St. Paul *v.* Chicago, M. & St. P. Ry. Co. (Minn.), vol. 5, p. 712.
- Definite location of roads, what is.
 - Southern Pac. R. Co. *v.* United States (C. C. A.), vol. 22, p. 598.
- Diversion of public lands.
 - City of St. Paul *v.* Chicago, etc., Ry. Co. (Minn.), vol. 5, p. 712.
- Effect of issuance of patent.
 - Adams *v.* Reed (Utah), vol. 1, p. 551.
- Erroneous certification.
 - United States *v.* Winona & St. P. R. Co. (U. S.), vol. 7, p. 776.
- Exception of mineral lands.
 - Adams *v.* Reed (Utah), vol. 1, p. 551.
- Filing surveys.
 - Barden *v.* Northern Pacific Railroad Co. (U. S.), vol. 1, p. 512.
- Foreclosure of land grants.
 - Atlantic & P. R. Co. *v.* Minus (N. Mex.), vol. 9, p. 881.
- Forfeiture.
 - Lake Superior Ship Canal, Ry. & Iron Co. *v.* Cunningham (U. S.), vol. 1, p. 564.
 - St. Paul, M. & M. R. Co. *v.* St. Paul & N. P. R. Co. (C. C. A.), vol. 1, p. 621.
 - Union Pac. R. Co. *v.* United States (U. S.), vol. 1, p. 656.

PUBLIC LANDS—*Continued.*

- Fraudulent location.
 - Southern Pac. R. Co. *v.* United States (C. C. A.), vol. 1, p. 603.
- Grant of land by congress to railroad company.
 - Burton *v.* Laughrey (Mont.), vol. 3, p. 657.
- Grant of public lands.
 - Southern Pac. R. Co. *v.* Brown (U. S.), vol. 5, p. 711.
- Grant of public lands as right of way.
 - Churchill *v.* Choctaw Ry. Co. (Okla.), vol. 5, p. 711.
- Grant providing that company shall file with secretary of the interior maps, and that secretary shall withdraw lands granted from the market.
 - Missouri, K. & T. R. Co. *v.* Cook (U. S.), vol. 4, p. 552.
- Grant to railroad of right of way becomes absolute where pre-emptor abandons his prior entry.
 - Jamestown & N. R. Co. *v.* Jones (N. Dak.), vol. 11, p. 879.
- Homestead.
 - Churchill *v.* Choctaw Ry. Co. (Okla.), vol. 5, p. 711.
- "Homestead claim."
 - Lake Superior Ship Canal Ry. & Iron Co. *v.* Cunningham (U. S.), vol. 1, p. 564.
- Indemnity lands.
 - Northern Pac. R. Co. *v.* Musser Sawtry, L., L. & M. Co. (U. S.), vol. 1, p. 617.
- Intersection of routes, conflicting land grants.
 - Southern Pac. Railroad Co. *v.* United States (C. C. A.), vol. 1, p. 602.
- Jurisdiction of federal courts.
 - St. Paul, M. & N. R. Co. *v.* St. Paul & N. P. R. Co. (C. C. A.), vol. 1, p. 621.
- Jurisdiction to determine question of forfeiture.
 - United States *v.* Northern Pac. R. Co. (U. S.), vol. 19, p. 207.
- Land ceded to United States by Osage Indians are public lands.
 - Rierson *v.* St. Louis & S. F. Ry. Co. (Kan.), vol. 11, p. 667.

PUBLIC LANDS—Continued.

Land department.

Barden *v.* Northern Pacific Railroad Co. (U. S.), vol. 1, p. 512.

Lake Superior Ship Canal Ry. & Iron Co. *v.* Cunningham (U. S.), vol. 1, p. 564.

U. S. *v.* Winona & St. Peter R. Co. (C. C. A.), vol. 1, p. 454.

Wisconsin Central R. Co. *v.* Forsythe (U. S.), vol. 1, p. 487.

Location of road, selection of land granted.

Southern Pac. R. Co. *v.* Groeck (U. S.), vol. 1, p. 617.

Misuse of public lands.

City of St. Paul *v.* Chicago, etc., Ry. Co. (Minn.), vol. 5, p. 712.

Pre-emption of right of way.

Lewis *v.* Rio Grande W. Ry. Co. (Utah), vol. 14, p. 822.

Public land laws, construed.

Lake Superior Ship Canal Ry. & Iron Co. *v.* Cunningham (U. S.), vol. 1, p. 566.

Railroad grants.

Anderson *v.* Howard (U. S.), vol. 1, p. 595.

Corinne Mill Canal & Stock Co. *v.* Johnson (U. S.), vol. 1, p. 593.

Dakes *v.* Myers (U. S.), vol. 1, p. 595.

Grand Rapids & I. R. Co. *v.* Butler (U. S.), vol. 1, p. 594.

Northern Pac. R. Co. *v.* De Lacy (U. S.), vol. 1, p. 596.

Northern Pac. R. Co. *v.* Mackay (U. S.), vol. 1, p. 596.

Oregon Cent. R. Co. *v.* U. S. (C. C. A.), vol. 1, p. 501.

Southern Pac. R. Co. *v.* Brown (U. S.), vol. 1, p. 594.

Southern Pac. R. Co. *v.* Groeck (U. S.), vol. 1, p. 593.

Spencer *v.* McDougal (U. S.), vol. 1, p. 595.

Spokane Falls & N. R. Co. *v.* Ziegler (U. S.), vol. 1, p. 594.

State *v.* Jackson, etc., R. Co. (U. S.), vol. 1, p. 597.

United States *v.* Union Pac. R. Co. (U. S.), vol. 1, pp. 593, 594.

PUBLIC LANDS—Continued.

United States *v.* Winona & St. Peter R. Co. (C. C. A.), vol. 1, p. 454.

Wilson *v.* Ward Lumber Co. (Mo.), vol. 1, p. 596.

Wood *v.* Beach (U. S.), vol. 1, p. 596.

Real Property.

Donation of land to railroad company by private parties, condition subsequent, reasonable time, question for jury.

Little Rock & Ft. Smith Railway Co. *v.* Birnie (Ark.), vol. 1, p. 645.

Restoration of title to United States.

United States *v.* St. Paul & S. C. R. Co. (U. S.), vol. 1, p. 656.

Reverter not caused by mere failure to build road within period prescribed by congress.

United States *v.* Northern Pac. R. Co. (U. S.), vol. 19, p. 207.

Revocation of special privileges.

St. Paul *v.* Chicago, etc., R. Co. (Minn.), vol. 5, p. 711.

Rights of pre-emptor as against railroad granted a right of way.

Jamestown & N. R. Co. *v.* Jones (N. Dak.), vol. 11, p. 879.

Scope of grant of 1871 to Southern Pac. R. Co.

Southern Pac. R. Co. *v.* United States (C. C. A.), vol. 22, p. 598.

State taxation of lands granted by congress to railroad.

Central Pac. R. Co. *v.* Nevada (U. S.), vol. 4, p. 264.

Successor company.

Galveston, H. & S. A. R. Co. *v.* State (Tex.), vol. 3, p. 449.

Use by railroad of land reserved for public is a public use.

Burlington Gaslight Co. *v.* Burlington, C. R. & N. Ry. Co. (U. S.), vol. 11, p. 878.

Use of land for railway purposes.

Burton *v.* Laughrey (Mont.), vol. 3, p. 657.

PUBLIC LANDS—Continued.

Variance from route designated in act of 1871, granting land to Southern Pac. R. Co.

Southern Pac. R. Co. *v.* United States (C. C. A.), vol. 22, p. 598.

When grant of right of way attaches as against pre-emptor.

Jamestown & N. R. Co. *v.* Jones (N. Dak.), vol. 11, p. 879.

Whether line of Tex. Pac. R. Co. was ever definitely fixed in California on route surveyed between Yuma and San Diego.

Southern Pac. R. Co. *v.* United States (C. C. A.), vol. 22, p. 598.

Who is a bona fide homestead claimant.

Lake Superior Ship Canal Ry. & Iron Co. *v.* Cunningham (U. S.), vol. 1, p. 564.

PUBLIC OFFICERS.

Iowa Acts, 24 Gen. Assem., ch. 38, not applicable to special elections held for the purpose of voting taxes.

Bras *v.* McConnell (Iowa), vol. 23, p. 127.

PUBLIC PLACES.

See Railroads in Streets.

PUBLIC POLICY.

See Carriers of Freight. Stations and Depots.

Controlled by state laws.

Hartford Fire Ins. Co. *v.* Chicago, M. & St. P. R. Co. (U. S.), vol. 16, p. 779.

Does not prevent title by adverse possession from being acquired in railroad right of way.

Northern Pac. Ry. Co. *v.* Ely (Wash.), vol. 22, p. 90.

PUBLIC PROPERTY.

Seattle & M. R. Co. *v.* State (Wash.), vol. 3, p. 25.

PUBLIC USES.

See Eminent Domain.

PUNITIVE DAMAGES.

See Carriers of Passengers. Damages.

Death by Wrongful Act.

Exemplary Damages.

Frightening Teams.

PURCHASERS.

See Sales.

Vendor and Vendee.

PURPRESTURE.

Abatement by attorney general.

Hicks, Atty. Gen. *ex rel.* Askew *v.* Smith (Wis.), vol. 20, p. 694.

QUARANTINE.

See Carriers of Passengers.

QUESTIONS OF LAW AND FACT.

Carriers of Passengers.

Discharging Passengers.

Negligence resulting in injury to passenger, question for jury.

Chicago City Ry. Co. *v.* Densmore (Ill.), vol. 6, p. 794.

Negligence.

Atchison, etc., R. Co. *v.* Cross (Kan.), vol. 8, p. 757.

Negligence in killing person on street railway track, question was for the jury.

Coll *v.* Easton Transit Co. (Pa.), vol. 11, p. 722.

RAILROAD AID BONDS.

See Bonds.

RAILROAD AID TAX.

See Connecting Carriers. Taxation.

RAILROAD COMMISSIONERS.

See Crossings.

Interstate Commerce.

Mandamus.

Tickets and Fares.

Acts exonerating common carrier not retrospective.

Illinois Cent. R. Co. *v.* Commonwealth (Ky.), vol. 22, p. 356.

Admissibility in evidence of rules promulgated by commissioners governing the management of railroad trains where railroads cross each other at grade.

Chicago, K. & W. R. Co. *v.* Ransom (Kan.), vol. 3, p. 259.

Authority as to interstate lines.

State, Lamar, Atty. Gen., *v.* Jacksonville Term. Co. (Fla.), vol. 16, p. 727.

RAILROAD COMMISSIONERS—Continued.

Authority of as to plans for public works does not extend to cases adjudicated previous to act conferring authority.

Williams, State's Atty., *v.* New York, N. H. & H. R. Co. (Conn.), vol. 12, p. 860.

Authority to empower railroad company to occupy street without condemnation.

Town of Bristol *v.* New England R. Co. (Conn.), vol. 11, p. 674.

Authority to order alterations in highways.

Town of Bristol *v.* New England R. Co. (Conn.), vol. 11, p. 674.

Authority to prohibit, authorize or annul issues of stock.

Davis *v.* San Antonio & G. S. Ry. Co. (Tex.), vol. 15, p. 449.

Burden of proof as to whether an extension is an incumbrance on the rest of the line.

Steenerson *v.* Great Northern Ry. Co. (Minn.), vol. 8, p. 561.

Carriers of Freight.

Board may avail itself of personal inspection by its inspector to determine the necessity for freight depot.

People *v.* President, etc., of Delaware & H. Canal Co. (N. Y.), vol. 20, p. 688.

Power to compel carrier to contract for transportation beyond terminus.

State *v.* Wrightsville & T. R. Co. (Ga.), vol. 11, p. 576.

Carriers of Passengers.

Action permitting abandonment of station subject to review by certiorari.

People, Loughran *v.* Board of Railroad Com'rs of State of New York (N. Y.), vol. 15, p. 441.

Power to permit abandonment of station.

People, Loughran, *v.* Board of Railroad Com'rs of State of New York (N. Y.), vol. 15, p. 441.

Conclusiveness of acts.

Chicago, etc., Ry. Co. *v.* Louisville, etc., R. Co. (Ky.), vol. 19, p. 688.

Connecting switches, constitu-

RAILROAD COMMISSIONERS—Continued.

tionality of act empowering commission to require building of.

Jacobson *v.* Wisconsin, M. & P. R. Co. (Minn.), vol. 13, p. 228.

Connecting switches, jurisdiction to compel building of.

Jacobson *v.* Wisconsin, M. & P. R. Co. (Minn.), vol. 13, p. 228.

Constitutionality of statute providing for appeal from to supreme court.

State, Railroad Commission *v.* Wilmington & W. R. Co. (N. Car.), vol. 11, p. 671.

Constitutionality of statute providing for order by commissioners that railroad shall maintain private crossing.

New York & New England Railroad Company *v.* Railroad Commissioners (Mass.), vol. 1, p. 660.

Construction of federal statute not involved where commission seeks to regulate imposition of war stamp tax.

Dinsmore *v.* Southern Exp. Co. (C. C. Ga.), vol. 13, p. 314.

Contract between company and citizens for stopping of trains at certain station not enforceable by.

People, Loughran, *v.* Board of Railroad Commissioners of State of New York (N. Y.), vol. 15, p. 441.

Cost of reproducing terminals, sufficiency of evidence.

Steenerson *v.* Great Northern Ry. Co. (Minn.), vol. 8, p. 560.

Exoneration by railroad commissioner where more is charged for short than a long haul.

Louisville & N. R. Co. *v.* Vancleave (Ky.), vol. 21, p. 477.

Rates.

Appeal from commission.

Steenerson *v.* Great Northern Ry. Co. (Minn.), vol. 8, p. 560.

Apportionment of gross earnings.

Steenerson *v.* Great Northern Ry. Co. (Minn.), vol. 8, p. 560.

- RAILROAD COMMISSION-ERS—Continued.**
- Authority in fixing rates.
 - State, Lamar, Atty. Gen., *v.* Jacksonville Term. Co. (Fla.), vol. 16, p. 727.
 - Authority to relieve from operation of penal provisions as to discrimination in rates.
 - Illinois Cent. R. Co. *v.* Commonwealth (Ky.), vol. 22, p. 356.
 - Basis of investigation when determining reasonableness of state rates.
 - Northern Pac. Ry. Co. *v.* Keyes (C. C. N. Dak.), vol. 13, p. 128.
 - Constitutionality of Georgia statute.
 - Trammell *v.* Dinsmore (C. C. A.), vol. 19, p. 468.
 - Constitutionality of statute authorizing establishment of joint rates.
 - State, Railroad & Warehouse Commission *v.* Minneapolis & St. L. R. Co. (Minn.), vol. 17, p. 630.
 - Duty of carrier to furnish information as to business.
 - State, Railroad & Warehouse Com. *v.* United States Exp. Co. (Minn.), vol. 19, p. 41.
 - Effect of order fixing rates.
 - State Railroad & Warehouse Commission *v.* Minneapolis & St. L. R. Co. (Minn.), vol. 17, p. 630.
 - Expenses of local traffic to be considered when determining reasonableness of state rates.
 - Northern Pac. Ry. Co. *v.* Keyes (C. C. N. Dak.), vol. 13, p. 128.
 - Express company partnership not subject to statute requiring corporations and companies to furnish information as to business.
 - State *v.* United States Exp. Co. (Minn.), vol. 19, p. 41.
 - Feeders, division of profits.
 - Steenerson *v.* Great Northern Ry. Co. (Minn.), vol. 8, p. 561.
 - Income.
 - Steenerson *v.* Great Northern Ry. Co. (Minn.), vol. 8, p. 560.
- RAILROAD COMMISSION-ERS—Continued.**
- Injunction will not be issued to enforce unreasonable state rates.
 - Northern Pac. Ry. Co. *v.* Keyes (C. C. N. Dak.), vol. 13, p. 128.
 - Interstate commerce to be considered in determining reasonableness of rates fixed by state.
 - Northern Pac. Ry. Co. *v.* Keyes (C. C. N. Dak.), vol. 13, p. 128.
 - Interstate fares earned by that portion of road lying within state may be included in computation in fixing rates for transportation of passengers within state.
 - Osborne, Com'r, *v.* Wabash R. Co. (Mich.), vol. 20, p. 569.
 - Jurisdiction of court as to.
 - Louisville & N. R. Co. *v.* Commonwealth (Ky.), vol. 13, p. 125.
 - Method of determining reasonableness of rates.
 - Steenerson *v.* Great Northern Ry. Co. (Minn.), vol. 8, p. 559.
 - Order fixing rates.
 - State, Lamar, Atty. Gen., *v.* Jacksonville Term. Co. (Fla.), vol. 16, p. 727.
 - Power to compel making of joint rates.
 - Jacobson *v.* Wisconsin, M. & P. R. Co. (Minn.), vol. 13, p. 228.
 - Power to reduce rates.
 - Steenerson *v.* Great Northern Ry. Co. (Minn.), vol. 8, p. 559.
 - Presumption as to reasonableness of rates established by.
 - State Railroad & Warehouse Commission *v.* Minneapolis & St. L. R. Co. (Minn.), vol. 17, p. 630.
 - Proper apportionment of gross earnings.
 - Steenerson *v.* Great Northern Ry. Co. (Minn.), vol. 8, p. 561.
 - Proper tribunal for carrier to present claim that competition requires discrimination in rates.
 - Louisville & N. R. Co. *v.* Commonwealth (Ky.), vol. 15, p. 841.

RAILROAD COMMISSIONERS—Continued.

Proportionate cost of local traffic to be considered in determining reasonableness of state rates.

Northern Pac. Ry. Co. *v.* Keyes (N. Dak.), vol. 13, p. 128.

Reasonableness of rates fixed by.

State, Railroad & Warehouse Commission *v.* Minneapolis & St. L. R. Co. (Minn.), vol. 17, p. 630.

Removal to federal court of suit by commissioners to enforce statute fixing rates.

Hickman *v.* Missouri, K. & T. Ry. Co. (Mo.), vol. 15, p. 375.

Revenue stamp, federal jurisdiction where carrier prohibited from adding cost of to maximum rates fixed by state railroad commission. Trammell *v.* Dinsmore (C. A.), vol. 19, p. 468.

Rights reserved by decree to alter rates.

Northern Pac. Ry. Co. *v.* Keyes (N. Dak.), vol. 13, p. 128.

Right to charge higher rates than those fixed by the railroad commissioners.

Mississippi Railroad Commission *v.* Gulf & S. I. R. Co. (Miss.), vol. 21, p. 864.

Terminals, cost of reproducing considered in determining reasonableness of rates.

Steenerson *v.* Great Northern Ry. Co. (Minn.), vol. 8, p. 560.

Under Cal. Const. art. 12, sec. 20, railroad commission has no jurisdiction of judicial proceedings instituted before it to compel a railroad company to reinstate lower competitive rate which it had formerly made.

Edson *v.* Southern Pac. Co. (Cal.), vol. 22, p. 187.

Valuation must include betterments as operating expenses in order to render state rates reasonable.

Metropolitan Trust Co. *v.*

RAILROAD COMMISSIONERS—Continued.

Houston & T. C. R. Co. (Tex.), vol. 13, p. 149.

Valuation must include interest on investment to render state rate reasonable.

Metropolitan Trust Co. *v.* Houston & T. C. R. Co. (Tex.), vol. 13, p. 149.

Valuation of road in fixing state rates.

Metropolitan Trust Co. *v.* Houston & T. C. R. Co. (Tex.), vol. 13, p. 149.

What business to be considered in determining reasonableness of state rates.

Northern Pac. Ry. Co. *v.* Keyes (N. Dak.), vol. 13, p. 128.

What considered in comparing rates for interstate traffic, where determining reasonableness of state rates.

Northern Pac. Ry. Co. *v.* Keyes (N. Dak.), vol. 13, p. 128.

Review of commissioners' decisions as to liability for expense of constructing crossings.

Maine Cent. R. Co. *v.* Waterville, etc., Co. (Me.), vol. 8, p. 757.

State commission cannot compel carrier to affix war revenue stamp.

Dinsmore *v.* Southern Exp. Co. (Ga.), vol. 13, p. 314.

The jurisdiction to determine whether there is a statutory right to demand from a railway company a facility or privilege belongs exclusively to the railway commissioners.

Perth General Station Committee *v.* Ross (Eng.), vol. 8, p. 639.

Visitorial power of state as to interstate business.

State *v.* United States Exp. Co. (Minn.), vol. 19, p. 41.

Way bills as evidence of reasonableness of state rates.

Northern Pac. Ry. Co. *v.* Keyes (N. Dak.), vol. 13, p. 128.

RAILROAD PAY CHECKS.

See Pay Checks.

RAILROADS.

See Accidents on Track.

Annexation.

Carriers of Goods.

Carriers of Live Stock.

Carriers of Passengers.

Constitutional Law.

Corporations.

Crossings of Railroads.

Foreign Cars.

Leases and Running Powers.

Mandamus.

Negligence.

Pacific Railroads.

Private Railroads.

Railroads in Streets.

Reorganization.

Right of Way.

Stock and Stockholders.

Street Railways.

Successors.

Taxation.

Usury.

Water and Watercourses.

Accidents on Track.

Care required where railroad runs parallel with street and is used by public as foot way.

McVey v. Chesapeake & O. Ry. Co. (W. Va.), vol. 13, p. 788.

Care to avoid injury to persons must be commensurate with danger.

McVey v. Chesapeake & O. Ry. Co. (W. Va.), vol. 13, p. 788.

Acquirement of railroad franchises by natural persons.

Parker v. Elmira, C. & N. R. Co. (N. Y.), vol. 20, p. 345.

Change of gauge fixed by charter.

Walker v. City of Denver (C. C. A.), vol. 6, p. 206.

Charters.

Amending without consent of stockholders.

Alexander v. Atlanta & W. P. R. Co. (Ga.), vol. 15, p. 337.

Charters, construction of.

Alexander v. Atlanta & W. P. R. Co. (Ga.), vol. 15, p. 337.

Scope of power to amend and repeal charter of.

Lake Shore & M. S. Ry. Co. v. Smith (U. S.), vol. 14, p. 511.

RAILROADS—Continued.

"Commencement of operation of roads" where it is sought to enforce forfeiture of land.
St. Louis & B. Ry. Co. v. Van Hoorebeke (Ill.), vol. 23, p. 748.

Compelling corporate officer to answer interrogatories.

Robbins v. Brockton St. Ry. Co. (Mass.), vol. 23, p. 483.

"Competing" lines defined.

East St. Louis Connecting Ry. Co. v. Jarvis (C. C. A.), vol. 15, p. 459.

Consolidation.

Parallel lines defined.

East St. Louis Connecting Ry. Co. v. Jarvis (C. C. A.), vol. 15, p. 459.

Consolidation defined, when determining what constitutes competing lines.

East St. Louis Connecting Ry. Co. v. Jarvis (C. C. A.), vol. 15, p. 459.

Constitutionality of statute requiring the payment of excess profits to state.

State v. Manchester & L. R. R. (N. H.), vol. 12, p. 874.

Construction.

Contract to convey right of way is no defense in action by one of the obligors for injury to abutting property from construction of road.
Maysville & B. S. R. Co. v. Ball (Ky.), vol. 20, p. 186.

Extraordinary flood need not be provided against for the protection of landowners.

Kansas City, etc., R. Co. v. Williams (Ind. Ter.), vol. 19, p. 361.

Injunction, the proper remedy where unauthorized construction.

Canastota Knife Co. v. Newington Tramway Co. (Conn.), vol. 7, p. 787.

Reasonable discretion may be used in construction of.
Morris v. Duluth, etc., Ry. Co. (C. C. A.), vol. 22, p. 45.

Contracts between railroad corporations.

Union Pac. Ry. Co. v. Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 3.

RAILROADS—Continued.

Contracts of corporation, expiration of corporate existence.
Union Pac. Ry. Co. v. Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 2.

Contract purporting to be a lease, which provided for change of ownership upon the payment of last lease warrant, was in legal effect a sale.

Metropolitan Trust Co. v. Railroad Equipment Co. (C. C. A.), vol. 22, p. 144.
Railroad Equipment Co. v. Mercantile Trust Co. (C. C. A.), vol. 22, p. 144.

Corporate Existence.

Collateral attack.

Postal Tel. Cable Co. of Utah v. Oregon S. L. R. Co. (Utah), vol. 22, p. 273.

Not created by issuance of the secretary of state's certificate of incorporation to purchaser at judicial sale.

Watson v. Albany & N. Ry. Co. (Ga.), vol. 19, p. 176.

Crossings.

Care to be exercised in custody of hand car.

Branch v. International & G. N. R. Co. (Tex.), vol. 12, p. 379.

Liability for negligence of servant in failing to give crossing signal.

State, Cass County, v. Missouri Pac. Ry. Co. (Mo.), vol. 15, p. 175.

Unauthorized use of hand car by servant is not "operation" of the road.

Branch v. International & G. N. R. Co. (Tex.), vol. 12, p. 379.

Damages for personal injuries as part of cost of maintenance.

Louisville & N. R. Co. v. Chesapeake & O. R. Co. (Ky.), vol. 16, p. 539.

Decree cancelling interest of railroad to land includes right of way.

Illinois Cent. R. Co. v. Le Blanc (Miss.), vol. 12, p. 877.

RAILROADS—Continued.

Determination of character of road a question of fact.

Prescott v. Riverside, etc., Ry. Co. (Iowa), vol. 5, p. 719.

Doing of warehouse business is ultra vires.

State v. Southern Pac. Co. (La.), vol. 18, p. 762.

Duty of purchaser at foreclosure sale to operate branch line.

Sherwood v. Atlantic & D. R. Co. (Va.), vol. 6, p. 670.

Electric railway a "railroad."

Louisville & N. R. Co. v. Anchors (Ala.), vol. 11, p. 567.

Eminent Domain.

Land acquired for railroad purposes is for a public use.

Hannibal & St. J. R. Co. v. Totman (Mo.), vol. 16, p. 695.

Maintenance of hotel not a railroad purpose as a matter of law.

Abraham v. Oregon & C. R. Co. (Ore.), vol. 17, p. 250.

Trolley line not a railroad use.

In re Jersey City & B. Ry. Co. (N. J.), vol. 23, p. 281.

Equity will not compel minority bondholders to consent to reorganization scheme requiring them to scale bonds.

Lake St. El. R. Co. v. Ziegler (C. C. A.), vol. 23, p. 1.

Ziegler v. Lake St. El. R. Co. (C. C. A.), vol. 23, p. 1.

Foreign Corporations.

Adoption of foreign railroad corporation does not destroy right of removal of cause on ground of diverse citizenship.

Calvert v. Southern Ry. Co. (S. Car.), vol. 19, p. 173.

Citizenship for purposes of federal jurisdiction where incorporated by two states.
Louisville, N. A. & C. Ry. Co. v. Louisville Trust Co. (U. S.), vol. 15, p. 345.

RAILROADS—Continued.

- Impairing obligation of contract by requiring foreign railroad corporation to become resident corporation.
Com. v. Mobile & O. R. Co. (Ky.), vol. 23, p. 185.
- Forfeiture of franchises.
Eel River R. Co. v. State, Kistler, Pros. Atty. (Ind.), vol. 17, p. 595.
- Frightening Teams.
 Frightening horses by unnecessary sounding of whistle.
Chicago, R. I. & P. Ry. Co. v. Parks (Kan.), vol. 14, p. 808.
- Grant of special privileges.
Kates v. Atlanta B. & C. Co. (Ga.), vol. 16, p. 140.
- Increase of stock.
Union Ry. Co. v. Sneed (Tenn.), vol. 13, p. 876.
- Insolvency.
Central Trust Co. of N. Y. v. Chattanooga, R. & C. R. Co. (C. C. A.), vol. 17, p. 548.
- Insolvency, preferential claims.
Latta v. Lonsdale (C. C. A.), vol. 21, p. 270.
- Interrogatories.
Blair v. Sioux City & P. Ry. Co. (Iowa), vol. 17, p. 363.
- Liability for act of independent contractor.
Dublin v. Taylor, B. & H. Ry. Co. (Tex.), vol. 13, p. 461.
- Liability for injury to spectator by explosion of oil tank in train yard.
Cleveland, C., C. & St. L. Ry. Co. v. Ballentine (C. C. A.), vol. 14, p. 831.
- Liability of purchaser on account of obligations of predecessor.
Sherwood v. Atlantic & D. R. Co. (Va.), vol. 6, p. 670.
- Master and Servant.
 Care required in "kicking" cars.
Bradley v. Ohio River & C. Ry. Co. (N. Car.), vol. 18, p. 340.
- Care required of towards employees.
McGeary v. Old Colony R. (R. I.), vol. 14, p. 764.
- Hand cars included in stat-

RAILROADS—Continued.

- utory provision as to "cars."
Benson v. Chicago, St. P., M. & O. Ry. Co. (Minn.), vol. 12, p. 797.
- Liability for wages of laborers of subcontractors.
George v. Washington County R. Co. (Me.), vol. 15, p. 850.
- Mortgages.
 Power to mortgage after-acquired property.
Central Trust Co. of N. Y. v. Chattanooga, R. & C. R. Co. (C. C. A.), vol. 17, p. 548.
- Railway mortgage covering proposed extension of road.
Hinchman v. Point Defiance R. Co. (Wash.), vol. 4, p. 265.
- Notice to common officer.
Harding v. Lynn & B. R. Co. (Mass.), vol. 12, p. 865.
- Officers owning substantially all the stock cannot appropriate corporate property.
Saranac & L. P. R. Co. v. Arnold (N. Y.), vol. 22, p. 480.
- Parties, railroad as a party.
Blair v. Sioux City & P. Ry. Co. (Iowa), vol. 10, p. 306.
- Personal ignorance of officer no defense where corporation fails to answer interrogatories.
Robbins v. Brockton St. Ry. Co. (Mass.), vol. 23, p. 483.
- Persons who dedicated lands to public use as a highway may, in such dedication, reserve to himself and his assigns the right to construct and operate a railroad therein. When such reservation is made, the public takes the highway cum onere.
Fallon v. Mayo, etc., of City of Hoboken (N. J.), vol. 7, p. 545.
- Power of railroad corporation.
Union Pac. Ry. Co. v. Chicago, R. I. & P. Ry. Co. (U. S.), vol. 6, p. 3.
- Power of railroad to grant use of tracks or bridges to other railroads.
Union Pac. Ry. Co. v. Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 2.

RAILROADS—Continued.

Power to guaranty bonds.

Louisville, N. A. & C. Ry.
Co. v. Louisville Trust Co.
(U. S.), vol. 15, p. 345.

Presumption that same rights
acquired by contract as if
land had been secured by
eminent domain.

St. Louis & B. Ry. Co. v.
Van Hoorebeke (Ill.), vol.
23, p. 748.

Railroads as public agencies.

St. Louis, K. & S. W. Ry.
Co. v. Nyce (Kan.), vol.
16, p. 798.

Railroad company had power to
issue lease warrants where
deferred payment for equip-
ment under Rev. St. Ohio,
sec. 3287.

Metropolitan Trust Co. v.
Railroad Equipment Co. (C.
A.), vol. 22, p. 144.

Railroad Equipment Co. v.
Mercantile Trust Co. (C.
A.), vol. 22, p. 144.

Railroad company owning land
near city not a "resident
freeholder" having right to
appeal where annexation of
such property to city.

Pittsburg, C., C. & St. L.
Ry. Co. v. City of Indianap-
olis (Ind.), vol. 11, p. 689.

Railroad is a person within the
meaning of the fourteenth
amendment of the constitu-
tion of the United States.

Smyth, Attorney General, v.
Ames (U. S.), vol. 10, p. 1.

Railroad served as corporation
and failing to file plea of nul-
tiel corporation is estopped
to deny that it is a corpora-
tion.

Chicago & A. R. Co. v.
Glenny (Ill.), vol. 12, p.
839.

Receivers.

Acts of receiver or of his em-
ployees not chargeable to
company.

Louisville Southern Ry.
Co. v. Tucker (Ky.), vol.
12, p. 806.

Order requiring assumption
by company of debts of its
receiver.

Baltimore & O. R. Co. v.
Burris (C. C. A.), vol.
23, p. 912.

RAILROADS—Continued.**Reorganization.**

Validity of stock and bonds
issued, in good faith, in
exchange, to effect reor-
ganization.

Sioux City, O. & W. Ry.
Co. v. Manhattan Trust
Co. (C. C. A.), vol. 15,
p. 430.

Residence of railroad corpora-
tion under Code of Connecti-
cut.

Eichhorn v. Louisville & N.
R. Co. (Ky.), vol. 23, p.
941.

Residence of railroad under
Kansas statute relating to
the establishment of high-
ways.

State v. Bogardus (Kan.),
vol. 22, p. 142.

Right of street railway to build
overhead bridge, over right
of way of railroad company.

Northern Cent. R. Co. v.
Harrisburg & M. Electric
R. Co. (Pa. St.), vol. 6, p.
151.

Right of street railway to cross
railroads.

Northern Cent. R. Co. v.
Harrisburg & M. Electric
R. Co. (Pa. St.), vol. 6,
p. 151.

Right to cross track of another
company.

Northern Cent. R. Co. v.
Harrisburg & M. Electric
R. Co. (Pa. St.), vol. 6,
p. 151.

Right to take out warehouse
licenses.

State v. Southern Pac. Co.
(La.), vol. 18, p. 762.

Salaries of officers.

St. Louis, A. & S. R. Co. v.
O'Hara (Ill.), vol. 14, p.
817.

Subscription to stock of another
corporation.

Military Ass'n of Savannah
v. Savannah T. & I. of
H. Ry. (Ga.), vol. 14, p.
824.

Taxation.**Exemptions.**

Expropriation of railway
property.

Kansas City, etc., R. Co.
v. Vicksburg, etc., R.
Co. (La.), vol. 6, p.
212.

RAILROADS—Continued.

- Valuation of intangible property for taxation.
- Weir *v.* Norman (U. S.), vol. 13, p. 861.
- Tracks do not pass with land sold at sale for taxes due by owner of land.
- Illinois Cent. R. Co. *v.* Le Blanc (Miss.), vol. 12, p. 877.
- Traffic agreement as formation of new line.
- Blair *v.* Sioux City & P. Ry. Co. (Iowa), vol. 17, p. 363.
- Whether a street railway is a commercial railroad.
- Fidelity Loan & Trust Co. *v.* Douglas (Iowa), vol. 9, p. 713.
- Whether "railroad" includes street railway.
- Massachusetts L. & T. Co. *v.* Hamilton (C. C. A.), vol. 11, p. 771.
- Who is "owner."
- State, Cass County, *v.* Missouri Pac. Ry. Co. (Mo.), vol. 15, p. 175.

RAILROADS IN STREETS.

See Bridges.
Crossings.
Crossings of Railroads.
Mandamus.
Ordinances.
Right of Way.
Street Railways.

Abutters.

- Abutter's right to compensation for private nuisance.
- Chicago, etc., Ry. Co. *v.* First M. E. Church of Leavenworth (C. C. A.), vol. 19, p. 538.
- Compensation to abutter for injuries from change of street grade, statute.
- In re Grade Crossing Com'rs of City of Buffalo (N. Y.), vol. 21, p. 746.
- Construction and operation of duly authorized side track in street will not be enjoined at instance of abutting private owner.
- Burrus *v.* City of Columbus (Ga.), vol. 12, p. 869.
- Deprivation of lateral support, liability of company.
- Mosier *v.* Oregon R. & Nav. Co. (Ore.), vol. 21, p. 508.
- Liability for injury to property caused by obstructing

RAILROADS IN STREETS—Continued.

- railroad embankment.
- Dairy *v.* Iowa Cent. Ry. Co. (Iowa), vol. 21, p. 743.
- Liability to abutting owner.
- Guinn *v.* Ohio River R. Co. (W. Va.), vol. 13, p. 437.
- Personal annoyance to abutting owner.
- Louisville Southern R. Co. *v.* Hooe (Ky.), vol. 14, p. 808.
- Whether owner entitled to compensation for injuries to nonabutting property from change of grade.
- In re Grade Crossing Com'rs of City of Buffalo (N. Y.), vol. 21, p. 746.
- Acceptance of dedication of street.
- St. Louis & S. F. R. Co. *v.* Gordon, Mayor (Mo.), vol. 19, p. 561.
- A city cannot compel the removal of all railroad tracks from the public streets simply because those who live near the tracks are disturbed by those annoyances incident to the operation of all railroads.
- City of Chicago *v.* Union Stock Yard & Transit Co. (Ill.), vol. 7, p. 490.
- A corporation organized under the general railroad law has not, ordinarily, the right to occupy highways of this state longitudinally with its railway.
- Tallon *v.* Mayor, etc., of City of Hoboken (N. J.), vol. 7, p. 545.
- Adverse possession of platted street.
- St. Paul & D. R. Co. *v.* City of Duluth (Minn.), vol. 13, p. 855.
- Authority of police jury to grant right to construct railway over and through public roads under laws of Louisiana.
- Farmer *v.* Myles (La.), vol. 23, p. 732.
- Authority of trial court to continue an encroachment in highway, amounting to a public nuisance.
- People *v.* Northern Cent. Ry. Co. (N. Y.), vol. 21, p. 192.

RAILROADS IN STREETS— RAILROADS IN STREETS—

Continued.

Authority to change course of highway or to condemn land for such purpose, New York statute.

People *v.* Northern Cent. Ry. Co. (N. Y.), vol. 21, p. 192.

Authority to occupy streets.

Thompson *v.* Ocean City R. Co. (N. J.), vol. 7, p. 779.

Backing train across street without looking is negligence.

Florida Cent. & P. R. Co. *v.* Foxworth (Fla.), vol. 13, p. 469.

Backing train through city, negligence and contributory negligence.

Lampkin *v.* McCormick (La.), vol. 21, p. 713.

Care to be exercised by.

Florida Cent. & P. R. Co. *v.* Foxworth (Fla.), vol. 13, p. 469.

Children.

Injury to child through violation of ordinance limiting speed.

Graney *v.* St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 8, p. 187.

Liability for injury to boy playing on cross-ties piled in public street.

Kramer *v.* Southern Ry. Co. (N. Car.), vol. 20, p. 329.

Collision between train backing through city and another train, negligence and contributory negligence.

Lampkin *v.* McCormick (La.), vol. 21, p. 714.

Compliance with municipal regulations on the subject of blasting will not relieve from liability for negligence in blasting.

Central of Georgia Ry. Co. *v.* Bernstein (Ga.), vol. 20, p. 952.

Conditions.

A condition, inserted in the ordinance of a city council permitting a railway company to construct and operate a track on certain streets, that the privileges granted by such ordinance should be forfeited if such

Continued.

company did not extend its line to certain points beyond the city limits, is void. The city may prescribe lawful and proper terms, but such a condition is not within its authority. Galveston & W. R. Co. *v.* City of Galveston (Tex.), vol. 7, p. 72.

Illegal conditions attached to grant of consent by municipality.

Galveston & W. Ry. Co. *v.* City of Galveston (Tex.), vol. 7, p. 779.

Municipal authority to impose conditions.

Pittsburg, C., C. & St. L. Ry. Co. *v.* Hood (C. C. A.), vol. 15, p. 648.

Consent of municipality to occupation of street cannot be basis of second application.

State *v.* City of Atlantic City (N. J.), vol. 23, p. 958.

Consent to occupation of street by street railway.

Berkeley *v.* C. & O. Ry. Co. (W. Va.), vol. 8, p. 757.

State *v.* City of Atlantic City (N. J.), vol. 23, p. 958.

Contributory Negligence.

A person walking on a railroad track in a street, saw an engine approaching, and stepped off that track upon another, not stopping in the space intervening between the two tracks: *held*, he was guilty of contributory negligence if he would have been safe in the intervening space.

McIlhane *v.* Southern R. Co. (N. Car.), vol. 6, p. 693.

Care to be exercised by a person who crosses track.

Texas & P. Ry. Co. *v.* Cody (U. S.), vol. 7, p. 479.

Effect of contributory negligence in having defective brake on wagon in action for personal injuries caused by unguarded street railway embankment in highway.

Nosler *v.* Coos Bay, etc., R. & Nav. Co. (Ore.), vol. 22, p. 719.

- RAILROADS IN STREETS—**
Continued.
- Injury to pedestrian, instruction as to contributory negligence.
McIlhaney v. Southern R. Co. (N. Car.), vol. 11, p. 100.
- Crossings.**
- An ordinance against the crossing by railroad trains of certain streets in a city before coming to a full stop is not on its face unreasonable.
City of Buffalo v. New York, L. E. & W. R. Co. (N. Y.), vol. 7, p. 503.
- Care required of both railroad and pedestrian.
Berkeley v. C. & O. Ry. Co. (W. Va.), vol. 8, p. 758.
- Louisville & N. R. Co. v. Cummins* (Ky.), vol. 21, p. 774.
- Care required of railroad at street crossing.
Louisville & N. R. Co. v. Cummins (Ky.), vol. 21, p. 774.
- Obstruction of crossing.
Atchison, etc., R. Co. v. Cross (Kan.), vol. 8, p. 757.
- Right of railroad company to answer petition of grade crossing commissioners to determine the compensation to be paid owners of lands injured by a change of street grade so as to make it possible to cross by a viaduct instead of at grade.
In re Grade Crossing Com'rs of City of Buffalo (N. Y.), vol. 21, p. 746.
- Right to cross tracks.
Florida Cent. & P. R. Co. v. Foxworth (Fla.), vol. 13, p. 469.
- Sufficiency of petition for appointment of grade crossing commissioners.
In re Grade Crossing Com'rs of City of Buffalo (N. Y.), vol. 21, p. 746.
- Validity of ordinance requiring a change of grade which would render the tracks useless.
City of Owensboro v. Owensboro & N. R. Co. (Ky.), vol. 8, p. 155.
- RAILROADS IN STREETS—**
Continued.
- Whether street crossing exists where one street terminates at point of intersection.
Schneider v. Market St. Ry. Co. (Cal.), vol. 23, p. 692.
- Damages.**
- Benefits.
Guinn v. Ohio River R. Co. (W. Va.), vol. 13, p. 437.
- Damages for injury to property abutting on alley caused by operation of railroad.
Kishlar v. Southern Pac. R. Co. (Cal.), vol. 23, p. 948.
- Damages to abutting property a question for jury.
Chesapeake & O. Ry. Co. v. Moats (Ky.), vol. 15, p. 645.
- Damages where a switch is built upon a curve and runs so close to the side of the street upon which the plaintiff resides that a team cannot stand there clear of the track.
Patton v. Olympia Door & Lumber Co. (Wash.), vol. 5, p. 13.
- Elements of damage for injury to adjacent property.
Chesapeake & O. R. Co. v. Smith (Ky.), vol. 15, p. 641.
- Measure of damages in action for injury to property.
Baltimore & O. R. Co. v. Lersch (Ohio), vol. 14, p. 835.
- Guinn v. Ohio River R. Co.* (W. Va.), vol. 13, p. 437.
- Dedication, a person who dedicates land to public use as a highway may, in such dedication, reserve to himself and his assigns the right to construct and operate a railroad therein. When such reservation is made, the public takes the highway cum onere.
Tallon v. Mayor, etc., of City of Hoboken (N. J.), vol. 7, p. 545.
- Dedication of street shown by plat of railroad land.
St. Louis & S. F. R. Co. v. Gordon, Mayor (Mo.), vol. 19, p. 561.

RAILROADS IN STREETS— RAILROADS IN STREETS—

Continued.

Direction of verdict in proceeding to compel restoration of highway.

People v. Northern Cent. Ry. Co. (N. Y.), vol. 21, p. 192.

Duty of railroad to restore highway, statute.

Bush v. Delaware, L. & W. R. Co. (N. Y.), vol. 21, p. 516.

Duty of the company towards travelers.

Florida, etc., *R. Co. v. Williams* (Fla.), vol. 5, p. 719.

Evidence to show location of highway in action for personal injuries caused by unauthorized excavation made by street railway company.

Nosler v. Coos Bay, etc., R. & Nav. Co. (Ore.), vol. 22, p. 719.

Exclusive right to operate subordinate to prior right of another railroad to allow switch connections for delivering and receiving freight.

Chicago, etc., *Ry. Co. v. Louisville, etc., R. Co.* (Ky.), vol. 19, p. 688.

Failure to prosecute others as a defense where action is brought to recover penalty.

City of Buffalo v. New York, L. E. & W. R. Co. (N. Y.), vol. 7, p. 503.

Frightening teams, where injury is caused by horse being frightened by train which was being operated in daytime in violation of ordinance, such violation was the proximate cause of the injury.

Pittsburg, C. & St. L. Ry. Co. v. Hood (C. C. A.), vol. 15, p. 648.

Injunctions.

Burrus v. City of Columbus (Ga.), vol. 12, p. 869.

Joint liability of railroads for personal injuries, sufficiency of evidence.

Chesapeake & O. Ry. Co. v. Davis (Ky.), vol. 19, p. 710.

Lessor's liability for lessee's negligence in allowing obstruction in street in violation of contract.

Anderson v. Union Terminal R. Co. (Mo.), vol. 20, p. 834.

Continued.

Liability for injury caused by throwing article from moving train, a question for jury.

Fletcher v. Baltimore & P. R. Co. (U. S.), vol. 9, p. 229.

Liability for injury to pedestrian resulting from striking bolts from rails.

Chesapeake & O. Ry. Co. v. Bercaw (Ky.), vol. 23, p. 952.

Liability for obstructing platted but unopened street by fencing track.

Marengo v. Great Northern Ry. Co. (Minn.), vol. 23, p. 660.

Liability of lessee company for injury caused by construction.

Guinn v. Ohio River R. Co. (W. Va.), vol. 13, p. 437.

Liability of lumber company where a switch is constructed by the company to its mill where it does not operate the cars.

Patton v. Olympia Door & Lumber Co. (Wash.), vol. 5, p. 13.

Liability of railroad, occupying street without authority for personal injuries.

Pittsburg, C. & St. L. Ry. Co. v. Hood (C. C. A.), vol. 15, p. 648.

Mandamus proper remedy to compel railroad to restore highway to former condition.

People v. Northern Cent. Ry. Co. (N. Y.), vol. 21, p. 192.

Mandamus to compel construction of bridge over street.

Williams, State's Atty., v. New York, N. H. & H. R. Co. (Conn.), vol. 12, p. 860.

Mandamus to railroad to compel removal of obstruction, sufficiency of affidavit under New York statute.

People v. Northern Cent. Ry. Co. (N. Y.), vol. 21, p. 192.

Municipal authorities estopped by acquiescence and affirmative acts from denying right of company to maintain its track in streets.

City of Chicago v. Union Stock Yard & Transit Co. (Ill.), vol. 7, p. 490.

- RAILROADS IN STREETS—**
Continued.
- Municipal consent to railroads in streets, ratification.
 - City of Owensboro *v.* Owensboro & N. R. Co. (Ky.), vol. 8, p. 155.
 - Municipal police provision binding on.
 - Pittsburg, C. & St. L. Ry. Co. *v.* Hood (C. C. A.), vol. 15, p. 648.
 - Negligence in running car through city with iron projecting.
 - Chesapeake & O. Ry. Co. *v.* Davis (Ky.), vol. 19, p. 711.
 - Notice to highway commissioner of intention to make change in crossing as a condition precedent to right to make alteration under New York statute.
 - People *v.* Northern Cent. Ry. Co. (N. Y.), vol. 21, p. 192.
 - Open spaces between railroad tracks in unimproved street as public places.
 - Lampkin *v.* McCormick (La.), vol. 21, p. 713.
 - Ordinance construed to permit only the operation of street railways and not to authorize the operation of an ordinary railroad in streets.
 - Tallon *v.* Mayor, etc., of City of Hoboken (N. J.), vol. 7, p. 545.
 - Ordinance limiting speed.
 - Graney *v.* St. Louis, I. M. & S. Ry. Co. (Mo.), vol. 8, p. 187.
 - Washington Southern R. Co. *v.* Lacey (Va.), vol. 6, p. 782.
 - Parties in mandamus proceedings to compel lessee of railroad to remove obstructions.
 - People *v.* Northern Cent. Ry. Co. (N. Y.), vol. 21, p. 192.
 - Places where railroad may fence platted but unopened street.
 - Marengo *v.* Great Northern Ry. Co. (Minn.), vol. 23, p. 660.
 - Pleading, in action to recover for injury to property from.
 - Chesapeake & O. Ry. Co. *v.* Moats (Ky.), vol. 15, p. 645.
- RAILROADS IN STREETS—**
Continued.
- Power of council to change street grade.
 - Wabash R. Co. *v.* City of Defiance (U. S.), vol. 7, p. 638.
 - Power to permit construction and operation of railroad upon streets.
 - Tallon *v.* Mayor, etc., of City of Hoboken (N. J.), vol. 7, p. 545.
 - Presumption as to rights of public and company.
 - Smith *v.* Pittsburgh & W. Ry. Co. (Ohio), vol. 13, p. 716.
 - Projection from car running through city, negligence.
 - Chesapeake & O. Ry. Co. *v.* Davis (Ky.), vol. 19, p. 710.
 - Railroad's use of its tracks in connection with stock yards, thereby creating a serious nuisance in streets of city, does not justify the destruction of its tracks by city authorities.
 - City of Chicago *v.* Union Stock Yard & Transit Co. (Ill.), vol. 7, p. 90.
 - Recovery at common law for injuries caused by piling cinders in street near track where violation of ordinance was also pleaded.
 - Anderson *v.* Union Terminal R. Co. (Mo.), vol. 20, p. 835.
 - Recovery over by city where railroad joined in defense in action for obstruction of street by railroad.
 - City of Raleigh *v.* N. Car. R. Co. (N. Car.), vol. 23, p. 953.
 - Right of appeal from determination of common council as to necessity of laying out street over railroad track.
 - In re City of Buffalo (N. Y.), vol. 22, p. 502.
 - Right to amend answer to show that excavation in highway causing injury was made by contractor.
 - Nosler *v.* Coos Bay, etc., R. & Nav. Co. (Ore.), vol. 22, p. 719.

RAILROADS IN STREETS—RAILROADS IN STREETS—

Continued.

Right to erect station and water tank or hydrant not included in right to operate and maintain railroad.

Chicago, etc., Ry. Co. v. First M. E. Church of Leavenworth (C. C. A.), vol. 19, p. 538.

Right to injunction to prevent laying track in street as affected by completion of track on Sunday, before service of writ.

McHugh v. Louisville Bridge Co. (Ky.), vol. 23, p. 946.

Speed as negligence.

Sundmaker v. Yazoo & M. Val. R. Co. (La.), vol. 22, p. 496.

Speed in excess of ordinance.

Washington Southern Ry. Co. v. Lacey (Va.), vol. 6, p. 782.

Speed in excess of ordinance is negligence prima facie.

Chicago & A. R. Co. v. Winters (Ill.), vol. 12, p. 93.

Stations and hydrant in proximity to church, as nuisances.

Chicago, etc., Ry. Co. v. First M. E. Church of Leavenworth (C. C. A.), vol. 19, p. 538.

Sufficiency of complaint in action for injury caused by collision with hand car.

Reynolds v. Mink (C. C. A.), vol. 23, p. 924.

Sufficiency of evidence that speed of train colliding with street car was excessive.

Chicago & E. I. R. Co. v. Mochell (Ill.), vol. 23, p. 927.

Use of tracks in violation of police provision constitutes a nuisance.

Pittsburg, T. C. & St. L. Ry. Co. v. Hood (C. C. A.), vol. 15, p. 648.

Where one is injured by the breaking of a wire cable.

Musser v. Lancaster City St. Ry. Co. (Pa.), vol. 5, p. 719.

Whether high rate of speed within town constitutes negligence is a question for the jury.

Risinger v. Southern Ry. Co. (S. Car.), vol. 20, p. 517.

Continued.

Whether ordinance regulating the running of trains was applicable to switch yards.

Baltimore, etc., Ry. Co. v. Peterson (Ind.), vol. 20, p. 887.

Whether speed within city limits may be negligence in absence of municipal regulation or statute.

Sundmaker v. Yazoo & M. Val. R. Co. (La.), vol. 22, p. 496.

Whether speed within city limits was negligence, a question of fact.

Sundmaker v. Yazoo & M. Val. R. Co. (La.), vol. 22, p. 496.

Whether the exemption of a belt line from the operation of an ordinance restricting speed of railroad trains, renders ordinance illegal.

City of Buffalo v. New York, L. E. & W. R. Co. (N. Y.), vol. 7, p. 503.

RAILROAD YARDS.

See Carriers of Passengers. Fences.

RATES.

See Carriers of Goods.

Interstate Commerce.

Interstate Commerce Commission.

Railroad Commissioners.

Tickets and Fares.

Answer alleging insufficiency of statutory rates.

Missouri Pacific Railway Co. v. Smith (Ark.), vol. 2, p. 89.

"Anti-trust law."

Mannheim Ins. Co. v. Erie & W. Transp. Co. (Minn.), vol. 13, p. 161.

Computation of earnings in fixing rates.

Chicago, M. & St. P. Ry. Co. v. Tompkins (S. Dak.), vol. 12, p. 70.

Constitutional Law.

Act conferring power on railroad commission to require making of joint rates is constitutional.

Jacobson v. Wisconsin, M. & P. R. Co. (Minn.), vol. 13, p. 228.

RATES—Continued.

- Constitutionality of legislative acts.
- Missouri Pacific Railway Co. *v.* Smith (Ark.), vol. 2, p. 89.
- Nebraska act of 1893 governing the rates to be charged by railroad held unconstitutional.
- Smyth, Atty. Gen., *v.* Ames (U. S.), vol. 10, p. 1.
- The law of Iowa providing for the punishment of common carriers for fixing discriminating rates is constitutional.
- Blair *v.* Sioux City & P. Ry. Co. (Iowa), vol. 10, p. 306.
- Enjoining state officers in a United States court from enforcing certain rates.
- Smyth, Atty. Gen., *v.* Ames (U. S.), vol. 10, p. 1.
- Federal jurisdiction where rates fixed by state.
- Trammell *v.* Dinsmore (C. C. A.), vol. 19, p. 469.
- Fixing schedule of, reasonableness.
- Mannheim Ins. Co. *v.* Erie & W. Transp. Co. (Minn.), vol. 13, p. 161.
- Indebtedness of carrier as affecting power of state to fix rates.
- Chicago, M. & St. P. Ry. Co. *v.* Tompkins (S. Dak.), vol. 12, p. 70.
- In fixing rates for the carriage of passengers, the railroad commission under act No. 90 of the public acts of Michigan, may consider the amount of interstate fares earned by that portion of road lying within state.
- Osborne, Com'r, *v.* Wabash R. Co. (Mich.), vol. 20, p. 569.
- Interstate commerce act, when controlling.
- Atlanta, K. & N. Ry. Co. *v.* Horne (Tenn.), vol. 19, p. 509.
- Justice of the peace, in the absence of legislative enactment a justice of the peace has no authority to determine the rate of freight charges of a railroad corporation.
- Norfolk & Western Ry. Co. *v.* Pinnacle Coal Co. (W. Va.), vol. 10, p. 358.

RATES—Continued.

- Power of municipality to bargain for rates in consideration of right of way.
- City of So. Pasadena *v.* Los Angeles T. R. Co. (Cal.), vol. 2, p. 166.
- Power of state to fix rates.
- Chicago, M. & St. P. Ry. Co. *v.* Tompkins (S. Dak.), vol. 12, p. 70.
- Power of state to fix rates for express companies as to interstate business.
- Trammell *v.* Dinsmore (C. C. A.), vol. 19, p. 469.
- Power of state to regulate rates for railroad passing through another state.
- Kansas City S. Ry. Co. *v.* Board of Railroad Com'rs (Ark.), vol. 21, p. 178.
- Province of court.
- Trammell *v.* Dinsmore (C. C. A.), vol. 19, p. 469.
- Reasonableness of rates fixed by state.
- Chicago, M. & St. P. Ry. Co. *v.* Tompkins (S. Dak.), vol. 12, p. 70.
- Recovery of overcharges.
- Norfolk & Western Ry. Co. *v.* Pinnacle Coal Co. (W. Va.), vol. 10, p. 358.
- Regulation of rates by legislature.
- St. Louis, etc., R. Co. *v.* Gill (U. S.), vol. 2, p. 63.
- State cannot require railroad to be operated without profit within its limits, merely upon the ground that the company earns sufficient on its interstate business to give it just compensation in respect of its entire line.
- Smith, Atty. Gen., *v.* Ames (U. S.), vol. 10, p. 1.
- Statute imposing fine on railroads for charging excessive rates.
- Louisville & N. R. Co. *v.* Commonwealth (Ky.), vol. 4, p. 193.
- The basis of all calculations as to reasonableness of rates to be charged by a railroad company must be a fair value of the property used by it for the convenience of the public.
- Smyth, Attorney General, *v.* Ames (U. S.), vol. 10, p. 1.

RATES—Continued.

Validity of agreement for rates on interstate shipment less than published rates.

Southern Ry. Co. *v.* Harrison (Ala.), vol. 13, p. 270.

Validity of agreement for special rate on interstate shipments.

Kizer *v.* Texarkana & Ft. S. Ry. Co. (Ark.), vol. 13, p. 288.

RATIFICATION.

See Contracts.

Malicious Prosecution.

REAL ESTATE..

See Adverse Possession.

Deeds.

Public Lands.

Right of Way.

Ejectment will not lie where estate is for an indefinite period.

King *v.* Norfolk & W. Ry. Co. (Va.), vol. 23, p. 701.

Measure of damages for injury to leasehold estate.

Kishlar *v.* Southern Pac. R. Co. (Cal.), vol. 23, p. 948.

REBATES.

See Carriers of Freight.

RECEIVERS.

See Burden of Proof.

Cattle Guards.

Foreign Receivers.

Leases.

Removal of Cause.

Actions against federal receivers.

Stoltz *v.* Milwaukee & L. W. R. Co. (Wis.), vol. 15, p. 820.

Actions against, parties.

Union Pac. Ry. Co. *v.* Smith (Kan.), vol. 11, p. 709.

Action against receiver, under federal statute, without leave of court.

Louisville Southern Ry. Co. *v.* Tucker (Ky.), vol. 12, p. 805.

Action for injury to employees necessary to prove that train was operated by employees of receiver.

Walker *v.* Gillett (Kan.), vol. 10, p. 140.

Action for personal injuries may be brought against company as well as receivers to

RECEIVERS—Continued.

establish liability, but where receivers have sole control they alone are liable.

Union Pac. Ry. Co. *v.* Smith (Kan.), vol. 11, p. 709.

Action for personal injuries occurring during receivership.

Thompson *v.* Northern Pac. Ry. Co. (C. C. A.), vol. 13, p. 651.

Action in state court against federal receivers without obtaining leave of appointing court.

Malott *v.* Shimer (Ind.), vol. 15, p. 774.

Acts of, not chargeable to company.

Louisville Southern Ry. Co. *v.* Tucker (Ky.), vol. 12, p. 806.

Adoption of contract of company.

Spencer *v.* Brooks (Ga.), vol. 5, p. 202.

Allegation of receivership in action for injuries.

Vasele *v.* Grant St. Electric Railway Co. (Wash.), vol. 9, p. 75.

Allowance of interest.

New England R. Co. *v.* Carnegie Steel Co., Limited (C. C. A.), vol. 5, p. 194.

Appeal by from order of court fixing wages of employees.

Guarantee Trust & Safe-Deposit Co. *v.* Philadelphia, R. & N. E. R. Co. (Conn.), vol. 12, p. 872.

Appointment.

Grant *v.* Los Angeles, etc., Ry. Co. (Cal.), vol. 7, p. 779.

New England R. Co., *v.* Carnegie Steel Co., Limited (C. C. A.), vol. 5, p. 193.

At instance of mortgagee.

Central Trust Co. of N. Y. *v.* Chattanooga, R. & C. R. Co. (C. C. A.), vol. 17, p. 548.

Federal jurisdiction.

International Trust Co. *v.* T. B. Townsend Brick & Contracting Co. (C. C. A.), vol. 15, p. 310.

In ex parte proceedings.

St. Louis, K. & S. R. Co. *v.* Wear, Judge (Mo.), vol. 4, p. 583.

RECEIVERS—Continued.

- Intervening creditor cannot raise question that plaintiff seeking appointment of receiver for railroad is not judgment creditor.
Grand Trunk Ry. Co. v. Central Vt. R. Co. (Vt.), vol. 11, p. 693.
- Power of judge to appoint receiver outside of county in which cause is pending.
St. Louis, K. & S. R. Co. v. Wear (Mo.), vol. 4, p. 583.
- Railroad cannot object to appointment of, on ground that plaintiff is not judgment creditor.
Grand Trunk Ry. Co. v. Central Vt. R. Co. (Vt.), vol. 11, p. 693.
- Sufficiency of evidence of appointment.
Chicago & A. R. Co. v. Harrington (Ill.), vol. 23, p. 429.
- Where franchises have been forfeited.
Eel River R. Co. v. State, Kistler, Pros. Atty. (Ind.), vol. 17, p. 595.
- Authority to lease cars.
Mercantile Trust & Deposit Co. v. Atlanta Stone, Coal & Lumber Co. (Ala.), vol. 8, p. 102.
- Mercantile Trust & Deposit Co. v. Southern Iron Car Line Co. (Ala.)*, vol. 8, p. 102.
- Burden of proof in an action against receivers for injury to servant.
Robinson v. Huidekoper (Ga.), vol. 5, p. 216.
- Car Trust Leases.**
 Lessor entitled to reasonable compensation for use of stock by receiver of company.
Platt v. Philadelphia & R. R. Co. (C. C. A.), vol. 10, p. 169.
- Receiver's assumption of obligation by using leased rolling stock.
Platt v. Philadelphia & R. R. Co. (C. C. A.), vol. 10, p. 169.
- Claims against, for work and material furnished prior to

RECEIVERS—Continued.

- receivership.
International Trust Co. v. T. B. Townsend Brick & Contracting Co. (C. C. A.), vol. 15, p. 310.
- Claims against, for work and material furnished prior to receivership do not constitute equitable charge on corpus superior to pre-existing mortgage where current income has not been diverted.
International Trust Co. v. T. B. Townsend Brick & Contracting Co. (C. C. A.), vol. 15, p. 310.
- Comity as to authority of receiver of foreign state.
Guarantee Trust & Safe Deposit Co. v. Philadelphia R. & N. E. R. Co. (Conn.), vol. 12, p. 872.
- Compensation.**
 Compensation allowed by trial court will not be disturbed where no injustice appears.
Northern Alabama Ry. Co. v. Hopkins (C. C. A.), vol. 11, p. 695.
- Where appointment by unauthorized order.
St. Louis, K. & S. R. Co. v. Wear (Mo.), vol. 4, p. 623.
- Consent of court to bringing of action against must be obtained.
Smith v. St. Louis & S. F. Ry. Co. (Mo.), vol. 14, p. 609.
- Construction of contract of.
South Carolina & G. R. Co. v. Carolina, C. G. & C. Ry. Co. (C. C. A.), vol. 15, p. 212.
- Cost of appeal.
New England R. Co. v. Carnegie Steel Co., Limited (C. C. A.), vol. 5, p. 194.
- Delay by creditor in making application for payment of claim due.
New England R. Co. v. Carnegie Steel Co., Limited (C. C. A.), vol. 5, p. 193.
- Effect of sale of property by receiver upon stockholders' rights.
Davis v. San Antonio & G. S. Ry. Co. (Tex.), vol. 15, p. 449.

RECEIVERS—*Continued.*

Equitable claims.

Louisville & N. R. Co. *v.*
Central Trust Co. of New
York (C. C. A.), vol. 14, p.
820.

Expenses.

Estoppel of bondholders to
complain of personal ex-
penses incurred at their
instance.

Northern Alabama Ry. Co.
v. Hopkins (C. C. A.),
vol. 11, p. 695.

Liability for compensation
to president for aid fur-
nished.

Joost *v.* Bennett (Cal.),
vol. 15, p. 252.

Liability for operating ex-
penses.

South Carolina & G. R. Co.
v. Carolina, C. G. & C.
Ry. Co. (C. C. A.), vol.
15, p. 212.

Payment of expenses.

New England R. Co. *v.* Car-
negie Steel Co., Limited
(C. C. A.), vol. 5, p.
194.

Purchasers of road at fore-
closure sale not entitled to
complain of allowance of
personal expenses of re-
ceivers.

Northern Ala. Ry. Co. *v.*
Hopkins (C. C. A.), vol.
11, p. 695.

Travelling expenses.

Northern Ala. Ry. Co. *v.*
Hopkins (C. C. A.), vol.
11, p. 695.

Whether order fixing com-
pensation is appealable.

Grant *v.* Los Angeles, etc.,
Ry. Co. (Cal.), vol. 7,
p. 780.

Filing of claims against insol-
vent.

Southern Ry. Co. *v.* Carnegie
Steel Co., Limited (C. C.
A.), vol. 6, p. 420.

Indemnity clause in operating
agreement construed.

South Carolina & G. R. Co.
v. Carolina, C. G. & C.
Ry. Co. (C. C. A.), vol.
15, p. 212.

Joint judgment against re-
ceivers and company where
receivers are in sole control
is erroneous.

Union Pac. Ry. Co. *v.* Smith
(Kan.), vol. 11, p. 709.

RECEIVERS—*Continued.*

Judgments, payments.

Dillon *v.* Oregon, etc., Ry.
Co. (Ore.), vol. 5, p. 713.

Lease.

Charlotte, C. & A. R. Co. *v.*
Chester & L. Narrow-Gauge
R. Co. (N. Car.), vol. 5, p.
214.

Liability after discharge for
prior injuries.

Archambeau *v.* Platt (Mass.),
vol. 15, p. 249.

Liability for failure to main-
tain cattle guards.

Memphis & C. R. Co. *v.*
Glover (Miss.), vol. 22, p.
708.

Liability of company in hands
of receiver, but controlled by
its own officers and employees,
for personal injuries.

Pennsylvania Railroad Co. *v.*
Jones (U. S.), vol. 2, p. 390.

Liability of company for per-
sonal injury occurring dur-
ing receivership adverse as to
company.

Archambeau *v.* New York &
N. E. R. Co. (Mass.), vol.
11, p. 706.

Liability of former receivers
for taxes.

Comer *v.* Polk County (C.
C. A.), vol. 8, p. 288.

Liability of plaintiff mortgagee
at whose instance receiver
has been appointed.

Farmers' Loan & Trust Co.
v. Oregon Pac. R. Co.
(Ore.), vol. 7, p. 780.

Liability of railroad on dis-
charge of receiver.

Texas & P. Ry. Co. *v.* Manton
(U. S.), vol. 9, p. 850.

Liability of receivers for dam-
ages by fires.

Wall *v.* Platt (Mass.), vol.
9, p. 563.

Liability of receivers for in-
juries to employees.

Peirce *v.* Van Dusen (C. C.
A.), vol. 7, p. 1.

Liability of succeeding corpo-
rations for injuries arising
during receivership.

Atchison, T. & S. F. Ry.
Co. *v.* Cunningham (Kan.),
vol. 12, p. 132.

Liability of under statute
imposing penalty for cruelty
to animals in transit.

United States *v.* Harris (U.
S.), vol. 17, p. 582.

RECEIVERS—Continued.

Manager of railroad cannot be appointed receiver of second railroad.

St. Louis, K. & S. R. Co. *v.* Wear (Mo.), vol. 4, p. 583.

Order requiring assumption by company of debts of receivership.

Baltimore & O. R. Co. *v.* Burris (C. C. A.), vol. 23, p. 912.

Power to lease and operate other roads.

South Carolina & G. R. Co. *v.* Carolina, C. G. & C. Ry. Co. (C. C. A.), vol. 15, p. 212.

Preferential Claims.

New England R. Co. *v.* Carnegie Steel Co., Limited (C. C. A.), vol. 5, p. 194.

Agreement by receivers did not convert claim on account of mileage tickets issued at instance of another company into debt of receivership.

Monsarrat *v.* Mercantile Trust Co. (C. C. A.), vol. 22, p. 505.

Car rentals.

St. Louis, A. & S. R. Co. *v.* O'Hara (Ill.), vol. 14, p. 817.

Claims for legal services.

Gregg *v.* Mercantile Trust Co. (C. C. A.), vol. 22, p. 484.

Division of current income.

Gregg *v.* Mercantile Trust Co. (C. C. A.), vol. 22, p. 485.

Diversion of income in payment for equipment.

Gregg *v.* Mercantile Trust Co. (C. C. A.), vol. 22, p. 485.

For supplies over mortgage debts.

Southern Ry. Co. *v.* Adams (U. S.), vol. 6, p. 790.

Lien for cars.

St. Louis, A. & S. R. Co. *v.* O'Hara (Ill.), vol. 14, p. 817.

Price of cross-ties furnished within six months prior to receivership.

Gregg *v.* Mercantile Trust Co. (C. C. A.), vol. 22, p. 484.

RECEIVERS—Continued.

Priority of claims for equipments.

Continental Trust Co. *v.* Toledo, St. L. & K. C. R. Co. (Ohio), vol. 18, p. 397.

Purchase of locomotives.

Gregg *v.* Mercantile Trust Co. (C. C. A.), vol. 22, p. 484.

Rental of terminals accruing under lease.

Gregg *v.* Mercantile Trust Co. (C. C. A.), vol. 22, p. 484.

Restoration where current earnings diverted from payment of current debts prior to receivership.

Terre Haute & I. R. Co. *v.* Cox (C. C. A.), vol. 19, p. 327.

Scope of order appointing receiver.

Monsarrat *v.* Mercantile Trust Co. (C. C. A.), vol. 22, p. 505.

Track rentals as.

Louisville & N. R. Co. *v.* Central Trust Co. of New York (C. C. A.), vol. 14, p. 820.

Prohibition, writ of.

St. Louis, K. & S. R. Co. *v.* Wear (Mo.), vol. 4, p. 583.

Province of court in foreclosure suit where damages claimed in intervention against receiver.

Central Trust Co. of New York *v.* Denver, etc., R. Co. (C. C. A.), vol. 19, p. 513.

Purchaser at foreclosure required to assume liability for claims against receiver.

Central Trust Co. of New York *v.* Denver, etc., R. Co. (C. C. A.), vol. 19, p. 513.

Railroad not liable for stock killed during receivership.

Schurr *v.* Omaha & St. L. Ry. Co. (Iowa), vol. 5, p. 152.

Recovery cannot be had of the receivers of a railway company for failure to perform a contract of carriage, made by the party prior to their appointment.

Casey *v.* Northern Pac. R. Co. (Wash.), vol. 7, p. 599.

RECEIVERS—Continued.

Removal of causes.

Carpenter *v.* Northern Pac.
R. Co. (U. S.), vol. 5, p.
712.

Right of supply creditor where
there has been a diversion of
assets.

Southern R. Co. *v.* Carnegie
Steel Co., Limited (C. C.
A.), vol. 6, p. 420.

Right to sue receiver without
leave of appointing court.

Burke *v.* Ellis (Tenn.), vol.
19, p. 695.

Set-off of debts contracted by
receivers against debts due
to receivers.

Charlotte, C. & A. R. Co. *v.*
Chester & L. Narrow-Gauge
R. Co. (N. Car.), vol. 5,
p. 214.

Special statutes enacted for
the purpose of fixing the
liability of railroad com-
panies, cannot, by impli-
cation, be held applicable
to receivers.

Robinson *v.* Huidekoper
(Ga.), vol. 5, pp. 216, 218.

Sub-lease of cars by receivers.

Mercantile Trust & De-
posit Co. *v.* Atlanta Stone,
Coal & Lumber Co. (Ala.),
vol. 8, p. 102.

Mercantile Trust & Deposit
Co. *v.* Southern Iron Car
Line Co. (Ala.), vol. 8, p.
102.

Suit against receiver, removal
from state court.

Carpenter *v.* Northern Pac.
R. Co. (U. S.), vol. 5, p.
712.

Trespass to try title.

Houston & T. C. R. Co. *v.*
State (Tex.), vol. 3, p.
449.

Trust fund leases, liability of
receiver's representative.

Platt *v.* Philadelphia & R.
R. Co. (C. C. A.), vol. 10,
p. 169.

Unauthorized order.

St. Louis, K. & S. R. Co.
v. Wear (Mo.), vol. 4, p.
623.

Validity of agreement by re-
ceiver.

South Carolina & G. R. Co.
v. Carolina, C. G. & C. Ry.
Co. (C. C. A.), vol. 15, p.
212.

RECEIVERS—Continued.

Verdict rendered for plaintiff
in action for personal in-
juries against a company
and the receivers who have
sole control will be construed
as against receivers alone.

Union Pac. Ry. Co. *v.* Smith
(Kan.), vol. 11, p. 709.

Whether employers' liability
act applicable in action
against receivers.

Powell *v.* Sherwood (Mo.),
vol. 22, p. 53.

Whether expenditures for im-
provements continued by a
receiver and sanctioned by a
court are personal claims.

Veatch *v.* American Loan &
Trust Co. (C. C. A.), vol.
10, p. 795.

Whether receiver's certificates
constituted a lien on property
in the hands of the purchaser
at foreclosure sale.

Columbus, S. & H. R. Co.
Appeals (C. C. A.), vol.
22, p. 209.

RECITALS.

See Mortgages.

RECKLESSNESS.

See Contributory Negligence.
Master and Servant.
Negligence.

RECORDING ACTS.

In condemning land for right
of way a railroad company
has a right to rely upon the
public records in determining
who is the owner of the land.

Phipps *v.* Kansas & C. P.
Ry. Co. (Kan.), vol. 7, p.
247.

Sufficiency of notice of exis-
tence of unrecorded deed of
right of way.

Chicago & E. I. R. Co. *v.*
Wright (Ill.), vol. 1, p.
716.

RECORDS.

See Appeal.
Evidence.

REFRIGERATOR CARS.

See Carriers of Goods.

Chicago & Alton Railroad Co.
v. Davis (Ill.), vol. 2, p.
581.

REGULATIONS.*See Baggage.***REHEARING.***See Appeal.***RELEASE.***See Evidence.**Master and Servant.**Relief Associations.**Water and Watercourses.*

Action for personal injuries for which release from liability has been given.

Och *v.* Missouri, Kansas & Texas R. Co. (Mo.), vol. 2, p. 343.

Burden of proof as to validity of release of claim for personal injuries signed by illiterate without knowledge of contents.

Boutten *v.* Wellington & P. R. Co. (N. Car.), vol. 21, p. 576.

Claim for personal injuries.

Western, etc., R. Co. *v.* Burke (Ga.), vol. 5, p. 386.

Construction of release of land-owners.

Brown *v.* Pine Creek Ry. Co. (Pa.), vol. 8, p. 693.

Effect of release executed before death.

Hill *v.* Pennsylvania R. Co. (Pa.), vol. 8, p. 229.

Effect of release of claim for specified injuries on liability for unspecified injuries.

Lumley *v.* Wabash R. Co. (C. C. A.), vol. 6, p. 82.

Injuries proving more serious than supposed at time of release.

Lumley *v.* Wabash R. Co. (C. C. A.), vol. 6, p. 81.

Joint tort-feasor.

West Chicago St. R. Co. *v.* Piper (Ill.), vol. 9, p. 147.

Mental capacity.

Julius *v.* Pittsburg, A. & M. Traction Co. (Pa.), vol. 9, p. 523.

Necessity of tender of damages received.

Lumley *v.* Wabash R. Co. (C. C. A.), vol. 6, p. 82.

No presumption of consideration from existence of seal.

Boutten *v.* Wellington & P. R. Co. (N. Car.), vol. 21, p. 576.

RELEASE—Continued.

Offer to return consideration received for settlement.

Barker *v.* Northern Pac. R. Co. (Mo.), vol. 2, p. 414.

Reasonableness of settlement.

Barker *v.* Northern Pac. R. Co. (Mo.), vol. 2, p. 389.

Recovery of further damages.

Lumley *v.* Wabash R. Co. (C. C. A.), vol. 6, p. 82.

Release of claims for damages, whether it covers unknown injuries.

Seeley *v.* Citizens' Traction Co. (Pa.), vol. 6, p. 790.

Release signed by one still affected by his injuries is not binding.

Atchison, T. & S. F. Ry. Co. *v.* Cunningham (Kan.), vol. 12, p. 132.

Right of employer to rely on statement of company's representative.

Great Northern Ry. Co. Kasischke (C. C. A.), vol. 19, p. 407.

Setting aside settlement for improvidence.

Barker *v.* Northern Pac. R. Co. (Mo.), vol. 2, p. 414.

Tender back of amount paid under, before commencing action.

Malmstrom *v.* Northern Pac. Ry. Co. (Wash.), vol. 12, p. 330.

Tender of rescission of compromise.

Western, etc., R. Co. *v.* Burke (Ga.), vol. 5, p. 386.

Time of execution of release.

Brown *v.* Pine Creek Ry. Co. (Pa.), vol. 8, p. 694.

Validity of release of claim for damages signed by employee.

Chesapeake & Ohio R. Co. *v.* Mosby (Va.), vol. 4, p. 633.

Validity of stipulation of employment in release of claim for damages.

Chesapeake & Ohio R. Co. *v.* Mosby (Va.), vol. 4, p. 633.

Wife's right of action where husband has released claims for his injuries.

Hill *v.* Pennsylvania R. Co. (Pa.), vol. 8, p. 229.

RELIEF ASSOCIATIONS.

*See Release.**Master and Servant.*

Eckman v. Chicago, etc., R. Co. (Ill.), vol. 9, p. 308.

Maine v. Chicago, B. & Q. R. Co. (Iowa), vol. 9, p. 299.

Pittsburg, C., C. & St. L. Ry. Co. v. Montgomery (Ind.), vol. 9, p. 792.

Acceptance of benefits.

Pittsburg, C., C. & St. L. Ry. Co. v. Montgomery (Ind.), vol. 9, p. 792.

Acceptance of benefits and signing of release of claim for damages does not estop servant injured through negligence of master from maintaining an action for such injuries.

Johnson v. Charleston & S. Ry. Co. (S. Car.), vol. 12, p. 761.

Acceptance of benefits from, as release of claim for damages.

Beck v. Pennsylvania R. Co. (N. J.), vol. 15, p. 851.

Charter powers.

Maine v. Chicago, B. & Q. R. Co. (Iowa), vol. 9, p. 299.

Coercion of employees.

Eckman v. Chicago, B. & Q. R. Co. (Ill.), vol. 9, p. 308.

Maine v. Chicago, B. & Q. R. Co. (Iowa), vol. 9, p. 299.

Estoppel.

Eckman v. Chicago, B. & Q. R. Co. (Ill.), vol. 9, p. 308.

Maine v. Chicago, B. & Q. R. Co. (Iowa), vol. 9, p. 299.

Mistake as to injuries received.

Maine v. Chicago, B. & Q. R. Co. (Iowa), vol. 9, p. 299.

Release from liability.

Chicago, etc., R. Co. v. Curtis (Neb.), vol. 8, p. 765.

Eckman v. Chicago, B. & Q. R. Co. (Ill.), vol. 9, p. 308.

Maine v. Chicago, B. & Q. R. Co. (Iowa), vol. 9, p. 299.

Rights of beneficiaries.

Baltimore & O. R. Co. v. Stankard (Ohio), vol. 6, p. 477.

RELIEF ASSOCIATIONS—

Continued.

Right to benefits lost by acceptance of damages.

Clinton v. Chicago, B. & Q. R. Co. (Neb.), vol. 19, p. 778.

Ultra vires.

Eckman v. Chicago, B. & Q. R. Co. (Ill.), vol. 9, p. 308.

Maine v. Chicago, B. & Q. R. Co. (Iowa), vol. 9, p. 299.

Validity of contract.

Chicago, etc., R. Co. v. Curtis (Neb.), vol. 8, p. 765.

Validity of contract relieving master from liability.

Pittsburg, C., C. & St. L. Ry. Co. v. Hosea (Ind.), vol. 14, p. 692.

Pittsburg, C., C. & St. L. Ry. Co. v. Moore (Ind.), vol. 14, p. 678.

Validity of release of company from liability for damages.

Pittsburg, C., C. & St. L. Ry. Co. v. Cox (Ohio), vol. 7, p. 152.

Whether pledge of certificate on assignment of widow's right of action for death of husband.

Cowen v. Ray (C. C. A.), vol. 21, p. 531.

REMARKS OF COUNSEL.

*See New Trial.**Trial.*

Louisville & N. R. Co. v. Ray (Tenn.), vol. 11, p. 174.

Masterson v. Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 395.

Ejection.

Kansas City, Ft. Scott, etc., R. Co. v. Sokol (Ark.), vol. 2, p. 148.

Ground for reversal.

Rudiger v. Chicago, St. P., M. & O. Ry. Co. (Wis.), vol. 12, p. 196.

St. Louis, I. M. & S. Ry. Co. v. Warren (Ark.), vol. 13, p. 729.

Harmless remark.

Galveston, H. & H. R. Co. v. Bohan (Tex.), vol. 12, p. 491.

REMARKS OF COUNSEL—REMOVAL OF CAUSES—
Continued.

Reversible error.

Ranchau v. Rutland R. Co.
(Vt.), vol. 14, p. 416.

When reversible error.

Alabama & G. S. R. Co. v.
Carroll (C. C. A.), vol. 9,
p. 759.

REMITTITUR.

See Damages.

REMOVAL OF CAUSES.

Louisville Southern Ry. Co.
v. Tucker (Ky.), vol. 12, p.
805.Lund v. Chicago, R. I. & P.
Ry. Co. (C. C. Neb.), vol.
14, p. 826.Adoption of foreign railroad
corporation does not destroy
right of removal on ground
of diverse citizenship.Calvert v. Southern Ry. Co.
(S. Car.), vol. 19, p. 173.Co-defendant must join in
petition for removal.Chicago, R. I. & P. Ry. Co.
v. Martin (Kan.), vol. 12,
p. 4.Effect of foreign corporation
becoming domestic.Allison v. Southern Ry. Co.
(N. Car.), vol. 23, p. 714.Effect of removal to federal
court on married woman's
right of action for her per-
sonal injuries, under Sand.
& H. (Ark.), Dig. sec. 5641.
Texas, etc., Ry. Co. v. Hum-
ble (U. S.), vol. 20, p. 821.

Filing petition.

Yazoo & M. V. R. Co. v.
Adams (Miss.), vol. 20,
p. 428.Joinder of formal parties as
affecting right to remove for
diversity of citizenship.Lake St. El. R. Co. v. Ziegler
(C. C. A.), vol. 23, p. 1.Ziegler v. Lake St. El. R.
Co. (C. C. A.), vol. 23,
p. 1.Joining employees as parties
defendant to prevent removal
to federal court.Chesapeake & O. Ry. Co. v.
Dixon (Ky.), vol. 14, p.
827.No separable controversy where
joint action against em-
ployer and employees.

C. & O. Ry. Co. v. Lucy

REMOVAL OF CAUSES—
*Continued.*Dixon (U. S.), vol. 21, p.
79.

Parties.

Chesapeake & N. R. Co. v.
Venable (Ky.), vol. 21, p.
449.Illinois Cent. R. Co. v. Le
Blanc (Miss.), vol. 11, p.
838.

Receivers.

Carpenter v. Northern Pac.
R. Co. (U. S.), vol. 5, p.
712.

Removal to federal court.

Hickman v. Missouri, K. &
T. Ry. Co. (Mo.), vol. 15,
p. 375.State v. Texas & P. Ry. Co.
(La.), vol. 18, p. 399.Right of corporation created by
act of congress to remove
cause to federal court.Texas & P. Ry. Co. v. Bar-
rett (U. S.), vol. 11, p. 867.Right to remove cause to fed-
eral court on ground of diver-
sity of citizenship where
joinder of nonresident rail-
road company and its negli-
gent resident employees.Winston v. Ill. Cent. R. Co.
(Ky.), vol. 23, p. 454.State not real party plaintiff,
so as to preclude removal of
cause to federal court for
diverse citizenship, in suit
instituted by railroad com-
missioners under Mo. Rev.
Stat. 1899, sec. 1150.Missouri, etc., Ry. Co. v.
Hickman (U. S.), vol. 23,
p. 493.Suit by railroad commissioners
to enforce statute fixing rates
is not removable to federal
court.Hickman v. Missouri, K. & T.
Ry. Co. (Mo.), vol. 15, p.
375.The mere fact that action is
against federal receiver is no
ground for removal to federal
court.Gableman v. Peoria, etc., Ry.
Co. (U. S.), vol. 20, p. 505.

REORGANIZATION.

*See Bonds.**Railroads.*Agreement for assumption of
debts of old company did not
confer equitable lien on holder

REORGANIZATION—Cont'd.

- of unpaid floating indebtedness.
- Columbus, S. & H. R. Co. Appeals (C. C. A.), vol. 22, p. 209.
- Construction and effect of agreement between stockholders and bondholders of insolvent railroad companies.
- Columbus, S. & H. R. Co. Appeals (C. C. A.), vol. 22, p. 209.
- Right of bondholders to ask for rescission of reorganized agreement.
- Columbus, S. & H. R. Co. Appeals (C. C. A.), vol. 22, p. 209.
- Subrogation of reorganized company purchasing mortgages as against junior mortgages refusing to come in under reorganization agreement.
- Columbus, S. & H. R. Co. Appeals (C. C. A.), vol. 22, p. 209.

REPUTATION.

See Evidence.

RES GESTÆ.

See Accidents on Track.
Carriers of Passengers.
Declarations.
Evidence.
Master and Servant.

- Butler v. Manhattan R. Co. (N. Y.), vol. 2, p. 383.
- Delaware, L. & W. R. Co. v. Ashley (U. S.), vol. 2, p. 383.
- Denver & R. G. R. Co. v. Roller (C. C. A.), vol. 18, p. 595.
- St. Louis, etc., R. Co. v. Greenthal (C. C. A.), vol. 6, p. 261.
- Admissibility of conversation with injured employee to show that he was acting within the scope of his employment.
- Denver & B. P. R. T. Co. v. Dwyer (Colo.), vol. 2, p. 383.
- Admissions of conductor and brakeman as to intoxication of deceased employee.
- Parker v. Winona & St. P. R. Co. (Minn.), vol. 21, p. 594.

Carriers of Passengers.

Complaint by plaintiff of his

RES GESTÆ—Continued.

- injuries.
- Missouri, K. & T. R. Co. v. Sanders (Tex. Civ. App.), vol. 3, p. 428.
- Statement of intention to become a passenger by party killed by defendant's locomotive.
- Chicago & E. I. R. Co. v. Chancellor (Ill.), vol. 10, p. 842.
- Complaints or manifestations of pain and suffering admissible to prove bodily suffering.
- Williams v. Great Northern Ry. Co. (Minn.), vol. 7, p. 230.
- Conversation as res gestæ.
- St. Louis, etc., R. Co. v. Greenthal (C. C. A.), vol. 6, p. 261.
- Conversation of engineer injured in collision, in action by another employee injured in same collision.
- Williams v. Southern Pac. Co. (Cal.), vol. 22, p. 442.
- Conversation of plaintiff with switchman immediately after his wagon had been struck.
- Wilson v. Southern Pac. Co. (Utah), vol. 4, p. 40.
- Correspondence between parties to contract after its execution, not admissible in action thereon as res gestæ.
- Southern Ry. Co. v. Wilcox (Va.), vol. 22, p. 260.
- Declarations as part of.
- Heckle v. Southern Pac. Co. (Cal.), vol. 15, p. 584.
- Means v. Carolina Cent. R. Co. (N. Car.), vol. 14, p. 363.
- Declarations of employee.
- Cole v. New York, N. H. & H. R. Co. (Mass.), vol. 18, p. 383.
- Electric Ry. Co. v. Carson (Ga.), vol. 8, p. 770.
- Declarations of present suffering.
- Beath v. Rapid Ry. Co. (Mich.), vol. 15, p. 793.
- Declarations of superior engaged with plaintiff in performing the work in which plaintiff was injured, made on the spot where the injuries occurred, and almost simultaneous with the injury, and describing how it was caused.
- Peirce v. Van Dusen (C. C. A.), vol. 7, p. 2.

RES GESTÆ—Continued.

Evidence of movements of other trains, in action for injury to bicycle rider at crossing.

Louisville & N. R. Co. *v.* Stewart (Ala.), vol. 21, p. 34.

Quarrel between stockmen and trainmen.

Louisville & N. R. Co. *v.* Bell (Ky.), vol. 8, p. 413.

Statements by injured party and person who attempted to help him made just after the accident are admissible as part of *res gestæ*.

Coll *v.* Easton Transit Co. (Pa.), vol. 11, p. 722.

Statements made within five minutes after accident.

Eastman *v.* Boston, etc., R. Co. (Mass.), vol. 3, p. 435.

Statements of motorman immediately after running over a person, admissible as part of *res gestæ*.

Coll *v.* Eastern Transit Co. (Pa.), vol. 11, p. 722.

What admissible as.

Bradley *v.* Ohio River & C. Ry. Co. (N. Car.), vol. 18, p. 340.

RESIDENCE.

See Railroads.

RES JUDICATA.

See Judgments.
Law of Case.

Mobile & O. R. Co. *v.* Donovan (Tenn.), vol. 18, p. 669.

Action of ejectment not conclusive of equitable rights growing out of its subject-matter.

Southern Ry. Co. *v.* Cowan (Ala.), vol. 22, p. 150.

Death by Wrongful Act.

Whether recovery by a personal representative of a wife for her wrongful death bars an action by the husband.

Louisville & N. R. Co. *v.* McElwain (Ky.), vol. 3, p. 309.

In action by city, where purchaser of railroad claimed exemption.

Baltimore, C. & A. Ry. Co. *v.* Commissioners of Wicomico County (Md.), vol. 21, p. 284.

Commissioners of Wicomico Co. *v.* Baltimore, C. & A. Ry. Co. (Md.), vol. 21, p. 284.

RES JUDICATA—Continued.

Prior decision as to effect of statute requiring railroad to sell stop-over tickets is not *stare decisis* in action to recover penalty for violation of statute.

Southern Pac. Co. *v.* Robinson (Cal.), vol. 21, p. 160.

REVENUE STAMPS.

See Bills of Lading.

REVENUE TAX.

See Carriers of Freight.
Carriers of Goods.

REVERSION.

See Grants.
Public Lands.

REVIEW.

See Appeal.
Evidence.

REVIVAL.

See Actions.

RIDING ON PLATFORM.

See Carriers of Passengers.
Street Railways.

RIGHT OF ACTION.

Injury to land held by tenant.

Kansas City, etc., R. Co. *v.* King (Ark.), vol. 7, p. 780.

RIGHT OF WAY.

See Abandonment.
Adverse Possession.
Bills in Equity.
Crossings.
Dedication.
Eminent Domain.
Estoppel.
Fences.
Liens.
Public Lands.
Railroads.
Taxation.
Water and Watercourses.

Abandonment.

Jones *v.* Van Bochove (Mich.), vol. 1, p. 664.

Matthews *v.* Lake Shore, etc., Ry. Co. (Mich.), vol. 6, p. 791.

St. Louis S. W. R. Co. *v.* Hargrove (Tex.), vol. 1, p. 667.

Scarritt *v.* Kansas City, O. & S. Ry. Co. (Mo.), vol. 15, p. 809.

RIGHT OF WAY—Continued.

Abandonment of right of way, occupation under a parol license, right of company to reoccupy the land afterwards purchased by third party.

St. Louis S. W. R. Co. *v.* Hargrove (Tex.), vol. 1, p. 667.

Abandonment permitting title by adverse possession to be acquired.

Northern Pac. Ry. Co. *v.* Ely (Wash.), vol. 22, p. 90.

Acceptance of grant.

Louisville, St. L. & T. R. Co. *v.* Taylor (Ky.), vol. 1, p. 718.

Action for malicious prosecution where defendant tore up the track on right of way claimed by him as his own.

Wichita & W. Ry. Co. *v.* Quinn (Kan.), vol. 7, p. 217.

Adverse Possession.

Hanlon *v.* Union Pac. Railroad Co. (Neb.), vol. 1, p. 701.

Matthews *v.* Lake Shore, etc., Ry. Co. (Mich.), vol. 6, p. 791.

Maysville & B. S. R. Co. *v.* Holton (Ky.), vol. 8, p. 336.

Acquisition of land owned by railroad.

Pittsburg, etc., Ry. Co. *v.* Stickley (Ind.), vol. 20, p. 148.

Adverse use of right of way as passway.

Thompson *v.* Louisville & N. R. Co. (Ky.), vol. 21, p. 665.

Against railroad.

Virginia & S. W. Ry. Co. *v.* Crow (Tenn.), vol. 23, p. 506.

Of owner of servient estate.

Wilmot *v.* Yazoo & M. Val. R. Co. (Miss.), vol. 19, p. 263.

Possession under claim, sufficiency of evidence.

Pittsburg, etc., Ry. Co. *v.* Stickley (Ind.), vol. 20, p. 148.

Presumption of grant where railroad lands have been occupied adversely for 20 years.

Pittsburg, etc., Ry. Co. *v.* Stickley (Ind.), vol. 20, p. 148.

RIGHT OF WAY—Continued.

Public policy does not prevent title by adverse possession from being acquired in railroad right of way.

Northern Pac. Ry. Co. *v.* Ely (Wash.), vol. 22, p. 90.

Sufficiency of evidence.

Pittsburg, etc., Ry. Co. *v.* Stickley (Ind.), vol. 20, p. 148.

Where fee is in grantor.

Mobile & O. R. Co. *v.* Donovan (Tenn.), vol. 18, p. 669.

A person who has conveyed a right of way through his land to a railroad company, and thereby cuts off access to a part of his land, has a way of necessity over the land conveyed to the railroad company.

New York & New England Railroad Co. *v.* Railroad Commissioners (Mass.), vol. 1, p. 660.

Appropriation of land by consent.

Fries *v.* Wheeling & L. E. Ry. Co. (Ohio), vol. 6, p. 489.

Cancellation of deed to by breach of contract.

Moseley *v.* Chicago, B. & O. R. Co. (Neb.), vol. 15, p. 426.

Cannot be sold to enforce payment of taxes for public improvements under Arkansas statute.

Kansas City, etc., Ry. Co. *v.* Board Water Works (Ark.), vol. 20, p. 265.

Color of title.

St. Louis, etc., R. Co. *v.* Warfel (Ill.), vol. 6, p. 791.

Company may determine necessity of exercising the power to appropriate land under Sand. & H. Dig. sec. 6175.

McKennon *v.* St. Louis I. M. & S. Ry. Co. (Ark.), vol. 21, p. 527.

Conditional grants.

Bredin *v.* Pittsburgh & W. R. Co. (Pa.), vol. 1, p. 718.

Mills *v.* Seattle & M. R. Co. (Wash.), vol. 1, p. 718.

Nashville, C. St. L. R. Co. *v.* Hammond (Ala.), vol. 1, p. 718.

Consequential injuries from grant of.

Harrelson *v.* Kansas City & A. R. Co. (Mo.), vol. 16, p. 848.

RIGHT OF WAY—Continued.

Construction of charter.

Raleigh & A. Air-Line R. Co.
v. Sturgeon (N. Car.), vol.
8, p. 272.

Construction of deed.

Gulf, Colorado, etc., R. Co. v.
Richards (Tex.), vol. 1, p.
668.Hanlon v. Union Pac. Rail-
road Co. (Neb.), vol. 1, p. 701.Mercantile Co. v. Atlantic &
P. R. Co. (Cal.), vol. 1, p.
910.Construction of deed with re-
spect to right of grantor to
cross.Mt. Pleasant Coal Co. v. Del-
aware, etc., R. Co. (Pa.),
vol. 23, p. 568.Continuance of condition in
grant as to stopping of trains.Gray v. Chicago, M. & St. P.
R. Co. (Ill.), vol. 21, p. 252.Continuance of conditions sub-
sequent of grant.Lyman v. Suburban R. Co.
(Ill.), vol. 21, p. 828.Conveyance with release of dam-
ages by reason of the location
or construction, does not re-
lease grantor's right to a way
across the right of way.New York & New England
Railroad Company v. Rail-
road Commissioners (Mass.),
vol. 1, p. 660.

County road over.

Gulf, C. & S. F. Ry. Co. v.
Milam County (Tex.), vol. 7,
p. 780.Cultivation of by owner of serv-
ient estate.Wilmot v. Yazoo & M. Val. R.
Co. (Miss.), vol. 19, p. 263.Damages for running ditch
across.Northern Ohio Ry. Co. v.
Com'rs (Ohio), vol. 18, p.
767.

Deeds.

Owensboro, etc., R. Co. v.
Barker (Ky.), vol. 6, p. 791.
St. Louis, etc., R. Co. v. War-
fel (Ill.), vol. 6, p. 791.Deed construed to convey ease-
ment only.Jones v. Van Bochove (Mich.),
vol. 1, p. 664.Deed is not competent as evi-
dence of title where no title is
shown in grantor.Pollock v. Maysville & B. S.
R. Co. (Ky.), vol. 14, p. 821.**RIGHT OF WAY—Continued.**

Definition of.

Territory of New Mexico v.
United States Trust Co. of
New York (U.S.), vol. 14, p.
811.

Delivery of deed.

Dickey v. Kansas City & Inde-
pendence Rapid Transit Co.
(Mo.), vol. 1, p. 710.Division fences, duty to con-
struct under Kentucky statute.Owensboro & N. Ry. Co. v.
Courts (Ky.), vol. 19, p. 125.Duty of railroad to keep right of
way in good condition.Dobbins v. Missouri, K. & T.
Ry. Co. of Texas (Tex.), vol.
8, p. 179.Easement only acquired under
North Carolina Code, sec. 1946.Shields v. Norfolk & C. R. Co.
(N. Car.), vol. 22, p. 635.

Ejectment by owner.

Chicago, B. & Q. R. Co. v.
Englehart (Neb.), vol. 15, p.
404.Ejectment of company for fail-
ure to condemn and make
compensation.Southern Ry. Co. v. Hood
(Ala.), vol. 19, p. 166.Ejectment to recover excess of
land appropriated.McKennon v. St. Louis, I. M.
& S. Ry. Co. (Ark.), vol. 21,
p. 527.Equitable estoppel of owner of
homestead.Hendrix v. Southern Ry. Co.
(Ala.), vol. 23, p. 272.Equitable estoppel to action in
ejectment.Scarritt v. Kansas City, O. &
S. Ry. Co. (Mo.), vol. 15, p.
809.Estoppel of landowner from
evicting railroad company.Hendrix v. Southern Ry. Co.
(Ala.), vol. 23, p. 272.Exclusiveness of remedy of
land owner, under Sand. & H.
Dig. sec. 2734, to recover
damage where land has been
appropriated by railroad.McKennon v. St. Louis, I. M.
& S. Ry. Co. (Ark.), vol. 21,
p. 527.Extension of street over right of
way.Chicago, M. & St. P. Ry. Co.
v. City of Milwaukee (Wis.),
vol. 9, p. 537.

RIGHT OF WAY—Continued.

- Extent of grant.
 - St. Paul & D. R. Co. *v.* City of Duluth (Minn.), vol. 13, p. 855.
- Failure to fence.
 - Chicago, etc., R. Co. *v.* Lyon (Neb.), vol. 8, p. 764.
- Fee to land covered by right of way acquired by warranty deed.
 - Hicks, Atty. Gen., ex rel. Askew *v.* Smith (Wis.), vol. 20, p. 694.
- Foot path.
 - Haley *v.* Kansas City, M. & B. R. Co. (Ala.), vol. 7, p. 780.
- Forfeiture by adverse possession.
 - Pollock *v.* Maysville & B. S. R. Co. (Ky.), vol. 14, p. 821.
- Forfeiture, demand for compliance with conditions subsequent of grant.
 - Lyman *v.* Suburban R. Co. (Ill.), vol. 21, p. 828.
- Forfeiture for nonuser.
 - Pollock *v.* Maysville & B. S. R. Co. (Ky.), vol. 14, p. 821.
- Forfeiture, grantor not debarred to recover easement in street as having adequate remedy at law.
 - Lyman *v.* Suburban R. Co. (Ill.), vol. 21, p. 828.
- Forfeiture, nonuser, sufficiency of allegations of bill.
 - Lyman *v.* Suburban R. Co. (Ill.), vol. 21, p. 828.
- Fraud in procuring contract to convey land to railroad company.
 - Grand Tower and Cape Girardeau R. Co. *v.* Wolton (Ill.), vol. 1, p. 686.
- Grantee's liability for injury to abutting property from construction and operation of road.
 - Maysville & B. S. R. Co. *v.* Ball (Ky.), vol. 20, p. 187.
- Grant of right of way on public streets or highways subject to the rights therein of the public.
 - Jones *v.* Erie & Pennsylvania R. Co. (Pa.), vol. 3, p. 18.
- Implication as to width of way granted.
 - Nashville, C. & St. L. R. Co. *v.* Hammond (Ala.), vol. 1, p. 683.

RIGHT OF WAY—Continued.

- Institution of condemnation proceedings by railroad to recover right of way.
 - Southern Ry. Co. *v.* Standiford (Ky.), vol. 20, p. 154.
- Intervening third party who notifies vendor company of its right to the land.
 - Chamberlain *v.* Northeastern R. Co. (S. Car.), vol. 1, p. 694.
- Land held as, subject to assessment by state board, not by local assessor.
 - Chicago, M. & St. P. Ry. Co. *v.* Grant (Ill.), vol. 11, p. 823.
- Liability for injury caused by spreading of Bermuda grass from right of way.
 - Gulf, etc., Ry. Co. *v.* Oakes (Tex.), vol. 19, p. 395.
- Liability of company where child fell into an excavation on right of way and was drowned.
 - Dobbins *v.* Missouri K. & T. Ry. Co. of Texas (Tex.), vol. 8, p. 179.
- Liability of railroad company for expense of moving building from right of way, which it has purchased.
 - Delsol *v.* Spokane & P. Ry. Co. (Idaho), vol. 1, p. 683.
- License.
 - Minneapolis Western Railway Co. *v.* Minneapolis & St. Louis Railway Co. (Minn.), vol. 1, p. 725.
- Marble or lime rock upon right of way.
 - Lime Rock R. Co. *v.* Farnsworth (Me.), vol. 3, p. 13.
- Not assessable for local improvements unless benefit is shown.
 - Kansas City, etc., Ry. Co. *v.* Board Waterworks (Ark.), vol. 20, p. 265.
- Obligation to construct fences under deed conveying right of way, in absence of stipulation.
 - Owensboro & N. Ry. Co. *v.* Courts (Ky.), vol. 19, p. 125.
- Power of county board under Indiana statute to locate drain across railroad right of way.
 - Baltimore, etc., Ry. Co. *v.* Board of Com'rs (Ind.), vol. 22, p. 408.
- Pre-emption of public lands.
 - Lewis *v.* Rio Grande & W. Ry. Co. (Utah), vol. 14, p. 822.

RIGHT OF WAY—Continued.

Prescription cannot perfect imperfect title.

Narron *v.* Wilmington & W. R. Co. (N. Car.), vol. 13, p. 852.

Presumption that cultivation was permissive.

Southern Ry. Co. *v.* Cowan (Ala.), vol. 22, p. 150.

Presumption that proper preliminary steps to acquire right of way over public lands have been taken where grant has been made and map approved.

Rierson *v.* St. Louis & S. F. Ry. Co. (Kan.), vol. 11, p. 667.

Property of railroad company in right of way.

Northern Cent. R. Co. *v.* Harrisburg & M. Electric R. Co. (Pa. St.), vol. 6, p. 151.

Purchaser of land cannot claim compensation for where his grantor permitted or acquiesced in the construction of the road.

Chicago, B. & O. R. Co. *v.* Englehart (Neb.), vol. 15, p. 404.

Release of easement of way to owner of fee.

Flaten *v.* Moorhead (Minn.), vol. 1, p. 668.

Remainderman not estopped to recover land entered upon by railroad under parol purchase from life tenant.

Southern Ry. Co. *v.* Standiford (Ky.), vol. 20, p. 154.

Revocation of license.

Hewlins *v.* Shipham (Eng.), vol. 1, p. 728.

Right of company as to construction of its lines over right of way by purchase.

Gulf, Colorado, etc., R. Co. *v.* Richards (Tex.), vol. 1, p. 668.

Right of railroad company to hold land by dedication.

Gulf, C. & S. F. Ry. Co. *v.* Milam County (Tex.), vol. 7, p. 780.

Right of subsequent purchaser of land to compensation.

Green *v.* South-Bound R. Co. (Ga.), vol. 21, p. 664.

Right to affirmative relief in suit to enjoin action to eject railroad from right of way.

Hendrix *v.* Southern Ry. Co. (Ala.), vol. 23, p. 272.

RIGHT OF WAY—Continued.

Right to enjoin occupation of land recovered by railroad in ejectment until payment of value of improvements.

Rutland R. Co. *v.* Chaffee (Vt.), vol. 21, p. 513.

Right to enjoin prosecution of suit by second company for condemnation of land already condemned.

Eureka, etc., R. Co. *v.* California, etc., Ry. Co. (C. C. A.), vol. 22, p. 404.

Right to recover value of improvements in land recovered by railroad in ejectment.

Rutland R. Co. *v.* Chaffee (Vt.), vol. 21, p. 513.

Scope of decree in action to enjoin ejection from right of way.

Hendrix *v.* Southern Ry. Co. (Ala.), vol. 23, p. 272.

Spreading of embankment causing injury to abutting land.

Sims *v.* Ohio River & C. Ry. Co. (S. Car.), vol. 15, p. 666.

Statutory right to select location in exercising power of eminent domain.

Kansas, etc., Ry. Co. *v.* Northwestern Coal & Min. Co. (Mo.), vol. 20, p. 593.

Sufficiency of judgment to vest right of way.

Ft. Worth Ice Co. *v.* Chicago, R. I. & T. R. Co. (Tex.), vol. 3, p. 169.

Sufficiency of notice of existence of unrecorded deed of right of way.

Chicago & E. I. R. Co. *v.* Wright (Ill.), vol. 1, p. 716.

Title against railroad cannot be acquired by prescription.

Southern Pac. Co. *v.* Hyatt (Cal.), vol. 20, p. 576.

Title by actual and continuous possession.

Chicago, M. & St. P. Ry. Co. *v.* Grant (Ill.), vol. 11, p. 823.

Title by adverse possession could not be defeated on ground that occupation was not inconsistent with use for railroad purposes.

Northern Pac. Ry. Co. *v.* Ely (Wash.), vol. 22, p. 90.

Unauthorized acceptance of conveyance in fee by railroad cannot be collaterally attacked by private persons.

Hicks, Atty. Gen., Askew *v.* Smith (Wis.), vol. 20, p. 694.

RIGHT OF WAY—Continued.

Validity of condition as to stoppage of accommodation trains, public policy.

Gray *v.* Chicago, M. & St. P. R. Co. (Ill.), vol. 21, p. 252.

Verbal contract for right of way. Texas & P. Ry. Co. *v.* Scott (C. C. A.), vol. 8, p. 309.

Way of necessity, a person who has conveyed a right of way through his land to a railroad company, and thereby cuts off access to a part of his land has a way of necessity over the land conveyed to the railroad company.

New York & New England Railroad Co. *v.* Railroad Commissioners (Mass.), vol. 1, p. 660.

Way of necessity, conveyance with release of damages by reason of the location or construction, does not release grantor's right to a way of necessity across the right of way.

New York & New England Railroad Company *v.* Railroad Commissioners (Mass.), vol. 1, p. 660.

What presumed as included in the consideration for.

Moseley *v.* Chicago, B. & O. R. Co. (Neb.), vol. 15, p. 426.

Whether conditions subsequent of grant requiring erection of passenger station at certain points void as against public policy.

Lyman *v.* Suburban R. Co. (Ill.), vol. 21, p. 828.

Whether deed required company to enter within certain period. Virginia & S. W. Ry. Co. *v.* Crow (Tenn.), vol. 23, p. 506.

Whether grantor's occupation for farming purposes was adverse or permissive.

Northern Counties Inv. Trust, Limited, *v.* Enyard (Wash.), vol. 20, p. 830.

Whether town could release from performance of conditions subsequent of grant.

Lyman *v.* Suburban R. Co. (Ill.), vol. 21, p. 828.

Who may grant.

Narron *v.* Wilmington & W. R. Co. (N. Car.), vol. 13, p. 852.

RIGHTS OF PURCHASERS.

See Cattle Guards.

Sales.

Successors.

Vendor and Purchaser.

Liability of purchaser at receiver's sale for damages from failure to maintain cattle guards.

Memphis & C. R. Co. *v.* Glover (Miss.), vol. 22, p. 708.

RIPARIAN RIGHTS.

See Water and Watercourses.

ROADBED.

See Carriers of Passengers.

Master and Servants.

ROADWAY.

See Taxation.

ROLLING STOCK.

See Taxation.

Landlord's lien upon rolling stock of leased railroad.

Trust Company of North America *v.* Manhattan Trust Co. (C. C. A.), vol. 6, p. 220.

Pledge.

Mechanics' Trust Co. *v.* Dandridge (Ky.), vol. 8, p. 348.

ROPES.

Are not a part of the machinery, etc., of railroads under employer's liability act of Alabama.

Southern Ry. Co. *v.* Moore (Ala.), vol. 20, p. 896.

RUDENESS.

See Carriers of Passengers.

RULES.

See Carriers of Passengers.

Contributory Negligence.

Evidence.

Master and Servant.

Negligence.

Admissibility in evidence of post-office department rule in action for death of mail clerk. Chicago & A. R. Co. *v.* Kelly (Ill.), vol. 17, p. 52.

Admissibility of evidence of habitual disregard of rules, in action for injury to employee, to excuse plaintiff's violation of rules.

Louisville & N. R. Co. *v.* Hiltner (Ky.), vol. 20, p. 279.

RULES—Continued.

- Effect of customary violation by employees.
- Chattanooga S. R. Co. *v.* Myers (Ga.), vol. 19, p. 776.
- Knowledge of rules must be pleaded.
- Union Stock-Yards Co. *v.* Goodwin (Neb.), vol. 12, p. 502.
- Mail clerks may rely on rules as to movement of train near station.
- Chicago & A. R. Co. *v.* Kelly (Ill.), vol. 17, p. 52.
- Reasonableness and sufficiency of standard rules.
- Little Rock & M. R. Co. *v.* Barry (C. C. A.), vol. 11, p. 453.
- Sufficiency of, a question of law.
- Little Rock & M. R. Co. *v.* Barry (C. C. A.), vol. 11, p. 453.
- Sufficiency of, to prevent collisions.
- Little Rock & M. R. Co. *v.* Barry (C. C. A.), vol. 11, p. 453.
- Violation of, as contributory negligence.
- Shorter *v.* Southern Ry. Co. (Ala.), vol. 18, p. 761.
- Where the rules of a company were substantially the same as those of 90 per cent. of the railroads of the United States, it was held error to find that defendant failed to exercise proper supervision of the running of the train.
- Nolan *v.* New York, N. H. & H. R. Co. (Conn.), vol. 10, p. 637.

RULES AND REGULATIONS.

- See Carriers of Freight.*
- Carriers of Passengers.*
- Master and Servant.*

SAFETY GATES.

- See Crossings.*

SALES.

- See Foreclosure.*
- Insolvency.*
- Judicial Sales.*
- Mortgages.*
- Receivers.*

Liability of purchaser of railroad for unpaid condemnation money.

- Missouri Pac. Ry. Co. *v.* Henrie (Kan.), vol. 6, p. 790.

SALES—Continued.

- Liability of purchaser of railroad on account of life passes issued by predecessor.
- Missouri Pac. Ry. Co. *v.* Henrie (Kan.), vol. 6, p. 790.
- Obligation of vendor.
- Texas Central Railway Co. *v.* Lyons (Tex.), vol. 3, p. 316.
- Ohio acts of May 4, 1885, not applicable to conditional sale of equipment to railroad companies, which were especially provided for by acts March 16, 1882.
- Metropolitan Trust Co. *v.* Railroad Equipment Co. (C. C. A.), vol. 22, p. 144.
- Railroad Equipment Co. *v.* Mercantile Trust Co. (C. C. A.), vol. 22, p. 144.
- Rights acquired by purchaser at judicial sale.
- Hendrix *v.* Southern Ry. Co. (Ala.), vol. 23, p. 272.
- Rights of purchaser of railroad.
- Missouri Pac. Ry. Co. *v.* Henrie (Kan.), vol. 6, p. 790.
- Right to take back equipments upon conditional sale to railroad on foreclosure of mortgage, etc.
- Metropolitan Trust Co. *v.* Railroad Equipment Co. (C. C. A.), vol. 22, p. 145.
- Railroad Equipment Co. *v.* Mercantile Trust Co. (C. C. A.), vol. 22, p. 145.

SAND BOX.

- Absence of sand box.
- Atlantic Avenue R. Co. *v.* Van Dyke (C. C. A.), vol. 3, p. 623.

SCALPERS.

- See Ticket Brokers.*

SCHEDULES.

- See Blackboards.*

SCHOOLS.

- See Taxation.*

Taxation of railroads for school purposes.

- New York, etc., R. Co. *v.* Board of Supervisors (Va.), vol. 4, p. 265.

SEASON TICKETS.

- See Tickets and Fares.*

SECONDARY EVIDENCE.

- See Evidence.*

SECTION BOSS.*See Fellow Servants.***SEPARATE COACHES.***See Carriers of Passengers.***SERVICE OF PROCESS.***See Actions.**Foreign Corporations.**Garnishment.**Process.**Summons.*

Eel River R. Co. *v.* State ex rel. Kistler, Pros. Atty. (Ind.), vol. 17, p. 595.

State *v.* Adams Exp. Co. (Minn.), vol. 7, p. 781.

Action for injuries to live stock. Douglass *v.* Kanawha & M. Ry. Co. (W. Va.), vol. 10, p. 883.

Agents of foreign corporations. Wall *v.* Chesapeake & O. Ry. Co. (C. C. A.), vol. 15, p. 413.

Foreign corporations. Pierce *v.* Southern Pac. Co. (Cal.), vol. 7, p. 564.

Locality of service in action against railroad companies. Hillary *v.* Great Northern Ry. Co. (Minn.), vol. 4, p. 51.

Nashville, C. & St. L. Ry. Co. *v.* Mattingly (Ky.), vol. 11, p. 736.

Motion to quash invalid service. Wall *v.* Chesapeake & O. Ry. Co. (C. C. A.), vol. 15, p. 413.

Service of process on foreign railroad company. Denver & R. G. R. Co. *v.* Roller (C. C. A.), vol. 18, p. 595.

SERVITUDE.*See Eminent Domain.***SET OFF.***See Eminent Domain.***SHERIFFS.**

Right of sheriff to ride on freight train.

Allen *v.* Lake Shore & M. S. Ry. Co. (Ohio), vol. 9, p. 25.

SHIPPING CONTRACTS.

*See Bills of Lading,
Carriers of Freight.*

"Horse" does not include "jack."

Richardson *v.* Chicago & A. Ry. Co. (Mo.), vol. 13, p. 170.

**SHIPPING CONTRACTS—
Continued.**

Limitation of time for bringing action unconstitutional.

Richardson *v.* Chicago & A. Ry. Co. (Mo.), vol. 13, p. 170.

Notice of lost provision not enforceable where carrier's conduct has made giving of notice impracticable.

Richardson *v.* Chicago & A. Ry. Co. (Mo.), vol. 13, p. 170.

SHIPPING RECEIPTS.*See Bills of Lading.**Carriers of Freight.***SICK BENEFIT FUND.***See Damages.*

*Master and Servant.
Relief Fund.*

SICKNESS.*See Injuries to Property.*

Sickness caused by stagnant pools of water formed near plaintiff's house.

Gulf, Colorado, etc., R. Co. *v.* Richards (Tex.), vol. 1, p. 668.

SIGNALS.*See Accidents on Track.**Bridges.**Crossings.**Frightening Teams.**Master and Servant.**Stock, Injuries to.**Street Railways.*

Commonwealth *v.* Louisville & N. R. Co. (Ky.), vol. 6, p. 61.

Distance at which to be given. Illinois C. R. Co. *v.* Davis (Tenn.), vol. 18, p. 708.

Duty of company to give at points other than crossings. Florida Cent. & P. R. Co. *v.* Foxworth (Fla.), vol. 13, p. 469.

Failure to give signal not contributing to the injury.

Wood *v.* Penn. R. Co. (Pa.), vol. 5, p. 672.

Failure to give useless signals, not negligence.

Johnson *v.* Rio Grande W. Ry. Co. (Utah), vol. 13, p. 691.

Failure to obey statutory requirements as to, as proximate cause.

Illinois C. R. Co. *v.* Davis (Tenn.), vol. 18, p. 708.

SIGNALS—Continued.

Negligence in failing to give as affected by contributory negligence.

Neal *v.* Carolina Cent. R. Co. (N. Car.), vol. 18, p. 51.

Statute construed.

Illinois C. R. Co. *v.* Davis (Tenn.), vol. 18, p. 708.

Sufficiency of signals at crossings.

Green *v.* Southern Pac. Co. (Cal.), vol. 13, p. 511.

Time for giving signals to warn trespassers on track.

Louisville & N. R. Co. *v.* Tinkham (Ky.), vol. 13, p. 800.

Whether failure to give signals is negligence per se.

Missouri, etc., Ry. Co. *v.* Geist (Neb.), vol. 5, p. 421.

Strother *v.* South Carolina, etc., R. Co. (S. Car.), vol. 5, p. 430.

SLEEPING CARS.

See Taxation.

SLEEPING CAR COMPANIES.

See Assaults.

Carriers of Passengers.

Common Carriers.

Baggage.

Dawley *v.* Wagner, etc., Co. (Mass.), vol. 8, p. 766.

Pullman's Palace Car Co. *v.* Martin (Ga.), vol. 2, p. 475.

Delivery of baggage between cars and station.

Voss *v.* Cleveland, C., C. & St. L. R. Co. (Ind. App.), vol. 3, p. 427.

Liability for delivery of baggage between cars and station.

Voss *v.* Cleveland, C., C. & St. L. R. Co. (Ind. App.), vol. 3, p. 427.

Care to be exercised to guard against theft.

Pullman's Palace Car Co. *v.* Hall (Ga.), vol. 14, p. 229.

Common carriers.

Pullman Palace Car Co. *v.* Lawrence (Miss.), vol. 8, p. 59.

Evidence of usual conduct of employees.

Harriman *v.* Pullman Palace

SLEEPING CAR COMPANIES

—Continued.

Car Co. (C. C. A.), vol. 10, p. 277.

Failure to awaken passengers.

McKeon *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 8, p. 219.

For what articles of passengers responsible.

Cooney *v.* Pullman Palace Car Co. (Ala.), vol. 18, p. 587.

Injury to passenger through negligence of porter.

Harriman *v.* Pullman Palace Car Co. (C. C. A.), vol. 10, p. 277.

Liability for loss of jewelry through negligence of employees.

Pullman's Palace Car Co. *v.* Harvey (Ga.), vol. 10, p. 77.

Liability for loss of passenger's property.

Cooney *v.* Pullman Palace Car Co. (Ala.), vol. 18, p. 587.

Liability for theft of passenger's personal effects.

Pullman's Palace Car Co. *v.* Hall (Ga.), vol. 14, p. 229.

Pullman Palace Car Co. *v.* Hunter (Ky.), vol. 17, p. 204.

Liability of company for negligence of sleeping car employees.

Airey *v.* Pullman Palace Car Co. (La.), vol. 11, p. 836.

Liability of railroad company in Illinois for assault by porter on passenger.

Pullman Palace Car Co. *v.* Lawrence (Miss.), vol. 8, p. 59.

Liability of sleeping car company where passenger is murdered.

Connell *v.* Chesapeake & O. R. Co. (Va.), vol. 5, p. 333.

Right of passenger to recover for injuries caused by car window being left open.

Edmunson *v.* Pullman Palace Car Co. (C. C. A.), vol. 14, p. 336.

Sleeping car employees as railway employees.

Louisville & N. R. Co. *v.* Ray (Tenn.), vol. 11, p. 174.

SLEEPING CAR COMPANIES SPECIFIC PERFORMANCE—

—Continued.

Where a railway company has sold a sleeping car ticket to a point on its road where the passenger has to change cars in order to reach her destination, it is the duty of such company to awaken the passenger in sufficient time to allow her to dress, or, if it has failed to do so, to hold the train until she can dress in a manner suitable to make such change of cars, and the neglect of the company to perform such duty, resulting in damage to the passenger is sufficient to authorize a recovery, even though the duty is not expressly prescribed in the contract of carriage.

McKeon *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 8, p. 219.

SMOKING.

See Carriers of Passengers.

SNOW SLIDE.

Derailment of train.

Denver & R. G. R. Co. *v.* Pilgrim (Colo.), vol. 8, p. 249.

SPARK ARRESTERS.

See Fires.

SPECIAL DAMAGES.

See Damages.

SPECIAL ELECTIONS.

See Taxation.

Contests.

Vicksburg, S. & P. R. Co. *v.* Scott, Sheriff (La.), vol. 17, p. 745.

SPECIAL INTERROGATORIES.

See Interrogatories.

SPECIAL SESSION.

See Legislature.

SPECIAL VERDICT.

See Appeals.

Trial.

Verdicts.

SPECIFIC PERFORMANCE.

Bonds.

O'Beirne *v.* Alleghany & K. R. Co. (N. Y.), vol. 10, p. 860.

Continued.

Fraud in procuring contract to convey right of way.

Grand Tower & Cape Girardeau Railroad Co. *v.* Wolton (Ill.), vol. 1, p. 686.

Lease of land to railroad company for stock yards with option of purchase.

Bacon *v.* Kentucky Cent. Railway Co. (Ky.), vol. 1, p. 718.

Right to use bridge.

Union Pac. Ry. Co. *v.* Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 1.

Street railways, contract to supply electric power to street railroad.

Electric Lighting Co. *v.* Mobile, etc., R. Co. (Ala.), vol. 4, p. 265.

SPECULATIVE DAMAGES.

See Damages.

SPEED.

See Accidents on Track.

Carriers of Passengers.

Crossings.

Evidence.

Fires Set by Locomotives.

Frightening Teams.

Master and Servant.

Negligence.

Ordinances.

Proximate Cause.

Questions of Law and Fact.

Railroads in Streets.

Stock, Injuries to.

Street Railways.

Yards.

Contributory negligence as affected by failure to give signals and excessive speed.

Schneider *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 11, p. 81.

Contributory negligence cures failure to admit evidence of ordinance limiting speed.

Sutherland *v.* Cleveland, C., C. & St. L. Ry. Co. (Ind.), vol. 8, p. 424.

Crossings.

Louisville, N. A. & C. Ry. Co. *v.* Patchen (Ill.), vol. 10, p. 852.

Crossings, running a railroad train at a country crossing at the rate of forty miles an hour is not negligence per se.

Sutton *v.* Chicago, etc., Ry. Co. (Wis.), vol. 10, p. 100.

SPEED—Continued.

- Evidence as to speed of train in action for personal injury at crossing.
Overtoom v. Chicago & E. I. R. Co. (Ill.), vol. 15, p. 849.
- Failure to instruct where no special rate prescribed.
Driver v. Atchison, T. & S. F. Ry. Co. (Kan.), vol. 10, p. 98.
- Ordinances regulating, admissible as evidence.
Overtoom v. Chicago & E. I. R. Co. (Ill.), vol. 15, p. 849.
- Ordinances regulating speed of street railway car.
State v. City of Cape May (N. J.), vol. 6, p. 507.
- Passing between station and train at high rate of speed.
Chicago, etc., Ry. Co. v. Ryan (Ill.), vol. 8, p. 754.
- Rate of speed not negligence per se.
Omaha & R. V. R. Co. v. Krayenbuhl (Neb.), vol. 4, p. 483.
- Right of engineer to recover for injury received while running at speed in excess of ordinance.
Missouri, K. & T. Ry. Co. v. Roberts (Tex.), vol. 11, p. 21.
- Speed in excess of ordinance is negligence prima facie.
Chicago & A. R. Co. v. Winters (Ill.), vol. 12, p. 93.
- Trespasser on track in city limits injured by train running at excessive rate of speed.
Schug v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 15, p. 705.
- Under Mississippi Code 1892, § 3546, ch. 63, speed within city limits in violation of statute will not render company liable for fires set by locomotive exceeding such speed, unless proximate cause.
Clisby v. Mobile & O. R. Co. (Miss.), vol. 22, p. 179.
- Violation of city ordinances regulating, as negligence per se.
Barfield v. Southern Ry. Co. (Ga.), vol. 15, p. 735.

SPEED—Continued.

- Violation of statute regulating speed as affecting contributory negligence.
Schug v. Chicago, M. & St. P. Ry. Co. (Wis.), vol. 15, p. 705.
- Whether speed in excess of ordinance is negligence per se.
Reidel v. Phila., W. & B. R. Co. (Md.), vol. 10, p. 91.

SPUR TRACKS.

See Eminent Domain.

STATE RAILROAD COMMISSIONS.

See Railroad Commissions.

STATES.

See Jurisdiction.
Parties.
Removal of Cause.

Conditional consent to be sued.
Smith v. Reeves (U. S.), vol. 19, p. 591.

Exemption from suit by federal corporation.
Smith v. Reeves (U. S.), vol. 19, p. 591.

STATION AGENTS.

See Bills of Lading.
Carriers of Passengers.

Authority of station agent to bind carrier by through contract.

Page v. Chicago, St. Paul, etc., R. Co. (S. Dak.), vol. 2, p. 622.

STATIONS AND DEPOTS.

See Carriers of Passengers.
Cattle Guards.
Drunkennness.
Fences.
Licensees.
Master and Servant.
Railroad Commissions.
Station Agents.

Absence of station facilities on partially constructed road.
Chicago, Kansas & Western R. Co. v. Frazer (Kan.), vol. 2, p. 206.

Action by individual the value of whose property is injured by change of depot.
Missouri, etc., Ry. Co. v. Colburn (Tex.), vol. 6, p. 787.

STATIONS AND DEPOTS— STATIONS AND DEPOTS—

Continued.

Action for breach of contract to establish depot, defenses. *Yazoo & M. V. R. Co. v. Baldwin* (Miss.), vol. 21, p. 479.

Action of railroad commissioners in permitting abandonment of station is subject to review by certiorari.

People, Loughran v. Board of R. Com'rs of State of N. Y. (N. Y.), vol. 15, p. 441.

Agreement to erect stations, perpetual maintenance.

Texas & P. Ry. Co. v. Scott (C. C. A.), vol. 8, p. 309.

Backing of car upon passenger leaving railroad premises.

Dallas & O. C. R. Co. v. Reeman (Tex. Civ. App.), vol. 2, p. 281.

Carriers of passengers, evidence that defective platform causing injury was crowded.

Indianapolis St. Ry. Co. v. Robinson (Ind.), vol. 23, p. 628.

Change of depot grounds.

Missouri, etc., Ry. Co. v. Colburn (Tex.), vol. 6, p. 787.

Contract between company and citizens for stopping trains at certain stations is not enforceable by the railroad commissioners.

People, Loughran v. Board of R. Com'rs of State of N. Y. (N. Y.), vol. 15, p. 441.

Contributory negligence, injury to passenger while leaving railroad premises.

Illinois Central R. Co. v. Davidson (C. C. A.), vol. 2, p. 265.

Contributory negligence, leaving railway premises by unsafe route.

St. Louis, I. M. & S. R. Co. v. Cox (Ark.), vol. 2, p. 280.

Court's jurisdiction to direct location of union station.

Concord & M. R. R. v. Boston & M. R. R. (N. H.), vol. 14, p. 458.

Defective platform, negligence as matter of law.

Fullerton v. Fordyce (Mo.), vol. 10, p. 729.

Continued.

Duty of company to keep in safe condition.

Eichorn v. Missouri, K. & T. R. Co. (Mo.), vol. 2, p. 279.

Fullerton v. Fordyce (Mo.), vol. 10, p. 729.

Madden v. Port Royal & W. C. R. Co. (S. Car.), vol. 2, p. 279.

Duty of railroad company to furnish proper station facilities.

Warren v. Fitchburg R. Co. (Mass.), vol. 2, p. 283.

Duty of railroad to maintain a wagon way to freight yard.

Curtis v. De Coursey (Pa.), vol. 5, p. 416.

Duty of railroad to provide.

Boothby v. Grand Trunk R. Co. (N. H.), vol. 3, p. 655.

Chaddick v. Lindsay (Okla.), vol. 8, p. 754.

Duty to establish and maintain depot under Georgia statute.

Page v. Louisville & N. R. Co. (Ala.), vol. 21, p. 1.

Duty to fence station grounds.

Hathaway v. Detroit, etc., Ry. Co. (Mich.), vol. 19, p. 714.

Duty to maintain waiting room.

Page v. Louisville & N. R. Co. (Ala.), vol. 21, p. 1.

Duty to protect passenger at.

Exton v. Central R. Co. of N. J. (N. J.), vol. 14, p. 240.

Duty to provide reasonably safe station.

Texas & Pacific Railway Co. v. McLane (Tex. Civ. App.), vol. 2, p. 263.

Effect of depot grounds being in excess of legal limit where stock are injured because of failure to fence.

Eaton v. McNeill (Ore.), vol. 8, p. 680.

Evidence of fellow passenger as to insufficient station facilities.

Ranney v. St. Johnsbury & L. C. R. Co. (Vt.), vol. 2, p. 282.

Evidence of usage of a railroad company that one train should not enter station while another is delivering passengers.

Floytrup v. Boston & Maine R. Co. (Mass.), vol. 2, p. 273.

STATIONS AND DEPOTS— STATIONS AND DEPOTS—

Continued.

Failure of carrier to repair dangerous station.

Ranney *v.* St. Johnsbury & L. C. R. Co. (Vt.), vol. 2, p. 282.

Foot stools, negligence in failing to provide.

Madden *v.* Port Royal & W. C. R. Co. (S. Car.), vol. 2, p. 280.

Grants of special privileges to local carriers of baggage.

Kates *v.* Atlanta B. & C. Co. (Ga.), vol. 16, p. 140.

Hackmen.

Cannot take up stand on street running through company's premises.

New York, etc., R. Co. *v.* Bork (R. I.), vol. 22, p. 511.

Defences in action to enjoin trespasses by hackmen.

Boston & M. R. R. *v.* Sullivan (Mass.), vol. 20, p. 356.

Discrimination in admitting hackmen.

Pennsylvania Co. *v.* City of Chicago (Ill.), vol. 15, p. 618.

Enjoining establishment by municipality of hack stand in street before station.

Pennsylvania Co. *v.* City of Chicago (Ill.), vol. 15, p. 618.

Establishment of hack stands in front of depots.

Pennsylvania Co. *v.* City of Chicago (Ill.), vol. 15, p. 618.

Exclusive privileges.

Godbout *v.* St. Paul Union Depot Co. (Minn.), vol. 16, p. 821.

Hedding *v.* Gallagher (N. H.), vol. 17, p. 192.

Indianapolis Union Ry. Co. *v.* Dohn (Ind.), vol. 14, p. 543.

State *v.* Reed (Miss.), vol. 12, p. 22.

Local carrier guilty of trespass in going upon station ground to solicit patronage after being notified of exclusive privilege of rival carrier.

Boston & A. R. Co. *v.* Brown (Mass.), vol. 19, p. 304.

Continued.

Power of company to designate hack stands.

Lucas *v.* Herbert (Ind.), vol. 7, p. 729.

Right to enjoin continuing trespass on station grounds by other hackmen, where exclusive privilege has been granted.

Boston & M. R. R. *v.* Sullivan (Mass.), vol. 20, p. 356.

Right to enter depot.

Godbout *v.* St. Paul Union Depot Co. (Minn.), vol. 16, p. 821.

Right to exclude.

Godbout *v.* St. Paul Union Depot Co. (Minn.), vol. 16, p. 821.

Right to solicit business in depot.

Godbout *v.* St. Paul Union Depot Co. (Minn.), vol. 16, p. 821.

Trespasses by hackmen, sufficiency of bill to enjoin.

Boston & M. R. R. *v.* Sullivan (Mass.), vol. 20, p. 356.

Validity of agreement with stranger to suit giving him exclusive privileges on depot premises could not be brought in issue by defendant, in trespass against hackmen for remaining on company's premises to solicit traffic.

New York, etc., R. Co. *v.* Bork (R. I.), vol. 22, p. 511.

Implied invitation to enter.

Gray *v.* Boston & M. R. R. (Mass.), vol. 8, p. 481.

Injuries caused by projecting pin on car platform.

Ill. Cent. R. Co. *v.* O'Connell (Ill.), vol. 4, p. 260.

Injury through ejection of person from station.

Gray *v.* Boston & M. R. R. (Mass.), vol. 8, p. 481.

Injury to licensee at depot.

Denver & R. G. R. Co. *v.* Spencer (Colo.), vol. 10, p. 536.

Injury to passenger through failure to repair depot platform.

Fullerton *v.* Fordyce (Mo.), vol. 10, p. 729.

STATIONS AND DEPOTS— STATIONS AND DEPOTS—

Continued.

Inquiry into propriety of location of station in such proximity to public highway that cattle guard could not be constructed.

Chicago, R. I. & P. R. Co. v. Clonch (Kan.), vol. 3, p. 240.

Liability for injuries to passenger caused by stepping on banana skin.

Goddard v. Boston & M. R. Co. (Mass.), vol. 21, p. 423.

Liability for injury to passenger stepping into hole in depot platform as affected by crowded condition of platform.

Indianapolis St. Ry. Co. v. Robinson (Ind.), vol. 23, p. 628.

Liability of company for incivility and discomfort to passenger at station.

Missouri, Kansas, etc., R. Co. v. Kendrick (Tex. Civ. App.), vol. 2, p. 179.

Liability of railroad for injury to passenger by mail pouch thrown from train.

Shaw v. Chicago & G. T. Ry. Co. (Mich.), vol. 18, p. 131.

Licensee on platform injured by bundle thrown from car.

McGrath v. Eastern Ry. Co. of Minnesota (Minn.), vol. 13, p. 768.

Lights.

Failure to light station as affected by intention to remain unreasonable time.

Chicago, etc., Ry. Co. v. Wood (C. C. A.), vol. 19, p. 493.

Lighting platforms.

Louisville & N. R. Co. v. Ricketts (Ky.), vol. 6, p. 186.

Proof as to sufficiency of lights at depot platform.

Rothschild v. Central R. Co. of N. J. (Pa.), vol. 2, p. 282.

Lookout need not be kept for prospective passenger sleeping near track.

Gulf, C. & S. F. Ry. Co. v. Bolton (Ind. Ter.), vol. 16, p. 130.

Continued.

Mail clerks may rely on rules as to movement of trains near station.

Chicago & A. R. Co. v. Kelly (Ill.), vol. 17, p. 52.

Mandamus to compel erection of depot.

State ex rel. Smart v. Kansas City, S. & G. Ry. Co. (La.), vol. 14, p. 461.

No cause of action, under Alabama statute, for failure to maintain waiting room, until performance of duty has been required by railroad commissioners.

Page v. Louisville & N. R. Co. (Ala.), vol. 21, p. 1.

Passing between train and depot at high rate of speed, negligence.

Chicago, etc., Ry. Co. v. Ryan (Ill.), vol. 8, p. 754.

Platforms.

Care required as to passenger platforms.

Robertson v. Wabash R. Co. (Mo.), vol. 16, p. 16.

Company not required to keep platform free from ice and snow for licensees.

Clark v. Howard (C. C. A.), vol. 13, p. 743.

Defective platform of elevated railroad.

Barth v. Kansas City El. Ry. Co. (Mo.), vol. 10, p. 281.

Defects.

Robertson v. Wabash R. Co. (Mo.), vol. 16, p. 16.

Wilkes v. Western & A. R. Co. (Ga.), vol. 16, p. 826.

Liability of intersecting railroads as joint tortfeasors because of proximity of defective platform of other company used by its own passengers.

St. Louis, etc., Ry. Co. v. Battle (Ark.), vol. 22, p. 700.

Person injured in boarding train by passing over the sloping part of the platform instead of going down the steps.

Rathgebe v. Pennsylvania R. Co. (Pa.), vol. 6, p. 288.

- STATIONS AND DEPOTS—**
Continued.
- Platforms, right of passenger to assume that platform can be crossed safely.
Fullerton v. Fordyce (Mo.), vol. 2, p. 282.
 - Platform steps defective.
Dougherty v. Kansas City & I. R. T. Co. (Mo.), vol. 2, p. 280.
 - Power of railroad commissioners to permit abandonment of.
People ex rel. Loughran v. Board of Railroad Com'rs of State of New York (N. Y.), vol. 15, p. 441.
 - Power to grant privileges to local carriers at station.
Hedding v. Gallagher (N. H.), vol. 17, p. 192.
 - Question of company's notice of dangers at, for jury.
Exton v. Central R. Co. v. New Jersey (N. J.), vol. 14, p. 240.
 - Remedies where breach of contract to establish depot.
Yazoo & M. V. R. Co. v. Baldwin (Miss.), vol. 21, p. 479.
 - Right to enjoin carrier from allowing rival baggage company from entering station grounds.
Norfolk & W. Ry. Co. v. Old Dominion Baggage Co. (Va.), vol. 20, p. 479.
 - Right to exclude persons from station.
Perth, General Station Committee, v. Ross (Eng.), vol. 8, p. 639.
 - Station grounds, definition.
Hathaway v. Detroit, etc., Ry. Co. (Mich.), vol. 19, p. 714.
 - Street railroads, duty to provide.
Wilson v. Duluth Street R. Co. (Minn.), vol. 4, p. 53.
 - Sufficiency of proof as to distance between depot platform and car.
Rothschild v. Central R. Co. of N. J. (Pa. St.), vol. 2, p. 283.
 - Whether condition subsequent of grant of right of way requiring erection of passenger stations at certain points are void as against public policy.
Lyman v. Suburban R. Co. (Ill.), vol. 21, p. 828.
- STATIONS AND PLAT-FORMS.**
See Drunkenness.
- STATUTE OF FRAUDS.**
 Contract between railroad and electric road for maintenance of gates and watchmen at crossing as affected by.
Richmond Union Pass. Ry. Co. v. Richmond, F. & P. R. Co. (Va.), vol. 15, p. 206.
- STATUTES.**
See Charter.
Conflict of Laws.
Constitutional Law.
Crossings.
Death by Wrongful Act.
Employers' Liability Acts.
Federal Courts.
Fellow Servants.
Fences.
Fires.
Interstate Commerce.
Judicial Notice.
Legislature.
Master and Servant.
Railroad Commissioners.
Railroads in Streets.
Signals.
Usury.
- Adoption of foreign statute.
Texas, etc., Ry. Co. v. Humble (U. S.), vol. 20, p. 821.
 - Application of Ohio statute as to railroad's liability for damage from fire.
Baltimore & O. R. Co. v. Kreager (Ohio), vol. 18, p. 99.
 - Authority of railroad commissioners under.
State ex rel. Lamar, Atty. Gen., v. Jacksonville Terminal Co. (Fla.), vol. 16, p. 727.
 - California statute as to service of process on foreign corporation, construed.
Denver & R. G. R. Co. v. Roller (C. C. A.), vol. 18, p. 595.
 - Carrier's duty to care for live stock in transit under South Carolina statute.
Milam v. Southern Ry. Co. (S. Car.), vol. 18, p. 253.
 - Colorado statute as to recovery of punitive damages from master for malicious acts of servant.
Ristine v. Blocker (Colo.), vol. 18, p. 139.

STATUTES—*Continued.*

Constitutional Law.

- Constitutionality of statute authorizing establishment of joint rates by railroad commission.
 State, Railroad & Warehouse Commission *v.* Minneapolis & St. L. R. Co. (Minn.), vol. 17, p. 630.
- Constitutionality of statute forbidding a railroad company to enter into any agreement with its employees to relieve it from liability to them for negligence.
 Peirce *v.* Van Dusen (C. C. A.), vol. 7, p. 1.
- Constitutionality of statute making railroads liable for negligence of fellow servants.
 Tullis *v.* Lake Erie & W. R. Co. (U. S.), vol. 16, p. 462.
- Peirce *v.* Van Dusen (C. C. A.), vol. 7, p. 1.
- Constitutionality of statute providing penalty for failure to give crossing signals.
 State ex rel. Cass County *v.* Missouri Pac. Ry. Co. (Mo.), vol. 15, p. 175.
- Constitutionality of statute requiring railroads to sell mileage books.
 Beardsley *v.* New York, L. E. & W. R. Co. (N. Y.), vol. 17, p. 149.
- Constitutionality of statute requiring railroads to transport shippers of live stock free of charge.
 Atchison, T. & S. F. Ry. Co. *v.* Campbell (Kan.), vol. 16, p. 828.
- Missouri statute requiring railroads to pay attorney's fee in addition to damages for injuries to live stock in transit is unconstitutional.
 Paddock *v.* Missouri Pac. Ry. Co. (Mo.), vol. 17, p. 310.
- Statute creating liability for injury of passenger in the absence of negligence.
 Chicago, R. I. & P. Ry. Co. *v.* Zerneck (Neb.), vol. 17, p. 76.

STATUTES—*Continued.*

Construction of.

- Chicago, R. I. & P. Ry. Co. *v.* Zerneck (Neb.), vol. 17, p. 76.
- Godbout *v.* St. Paul Union Depot Co. (Minn.), vol. 16, p. 821.
- Nickolson *v.* Northern Pac. Ry. Co. (Minn.), vol. 18, p. 682.
- Union Refrig. Trans. Co. *v.* Lynch, County Treas. (Utah), vol. 13, p. 868.
- Construction of Arkansas statute providing for municipal improvements.
 Kansas City, etc., Ry. Co. *v.* Board Waterworks (Ark.), vol. 20, p. 265.
- Construction of foreign statutes.
 St. Louis, etc., Ry. Co. *v.* Stewart (Ark.), vol. 20, p. 571.
- Construction of Lord Campbell's act.
 Chicago, R. I. & P. Ry. Co. *v.* Zerneck (Neb.), vol. 17, p. 76.
- Construction of Nebraska statute giving injured passenger right of action.
 Chicago, R. I. & P. Ry. Co. *v.* Zerneck (Neb.), vol. 17, p. 76.
- Construction of New York statute fixing rates of fare where railroads are consolidated.
 Parker *v.* Elmira, C. & N. R. Co. (N. Y.), vol. 20, p. 344.
- Construction of state from which statute was adopted will prevail, as far as possible.
 Florida Cent. & P. R. Co. *v.* Mooney (Fla.), vol. 12, p. 722.
- Construction of state statute by state court accepted by federal court.
 Cargill Co. *v.* Minnesota (U. S.), vol. 20, p. 658.
- Construction of statute allowing leases of railroad.
 El River R. Co. *v.* State ex rel. Kistler, Pros. Atty. (Ind.), vol. 17, p. 595.
- Construction of statute giving right of action against city for injury caused by defective street.
 Schaefer *v.* City of Fond du Lac (Wis.), vol. 11, p. 342.

STATUTES—Continued.

- Construction of statute in reference to powers of railroad commissioners.
Davis v. San Antonio & G. S. Ry. Co. (Tex.), vol. 15, p. 449.
- Construction of statute providing for penalty on "owner" of railroad for failure to give signal at crossing.
State ex rel. Cass County v. Missouri Pac. Ry. Co. (Mo.), vol. 15, p. 175.
- Contests of special elections.
Vicksburg, S. & P. R. Co. v. Scott, Sheriff (La.), vol. 17, p. 745.
- Damages recoverable under Missouri statute for injuries to live stock in transit.
Paddock v. Missouri Pac. Ry. Co. (Mo.), vol. 17, p. 310.
- Duty to look out for licensees.
Fleming v. Louisville & N. R. Co. (Tenn.), vol. 20, p. 549.
- Effect of omitting mere surplusage in revision.
Minneapolis, etc., R. Co. v. Cedar Rapids, etc., Ry. Co. (Iowa), vol. 23, p. 152.
- Exclusive privileges to local carriers, construction of English statute prohibiting.
Norfolk & W. Ry. Co. v. Old Dominion Baggage Co. (Va.), vol. 20, p. 479.
- Expression of subject in title.
Parker v. Elmira, C. & N. R. Co. (N. Y.), vol. 20, p. 344.
- Extraterritorial effect of Missouri statute giving right of action for death by wrongful act.
Matheson v. Kansas City Ft. S. & M. R. Co. (Kan.), vol. 17, p. 738.
- Federal statute authorizes bringing of suit in state court against receiver appointed by federal court without leave obtained from federal court.
Malott v. Shimer (Ind.), vol. 15, p. 774.
- Iowa statute prohibiting extortion and discrimination in making freight rates is applicable to joint freight rates.
Blair v. Sioux City & P. Ry.

STATUTES—Continued.

- Co. (Iowa)*, vol. 17, p. 363.
- Liability of receivers under penal statute.
United States v. Harris (U. S.), vol. 17, p. 582.
- Minnesota statute not applicable to case where servant was injured by fall of coal dislodged from tender by fellow servant.
Weisel v. Eastern Ry. Co. of Minnesota (Minn.), vol. 17, p. 446.
- Missouri statute as to exemption of land devoted to public use from statute of limitations, construed.
Hannibal & St. J. R. Co. v. Totman (Mo.), vol. 16, p. 695.
- Pleading invalidity of statutes and ordinances.
City of York v. Chicago, B. & Q. R. Co. (Neb.), vol. 14, p. 200.
- Presumption as to existence of employers' liability act in another state.
MacCarthy v. Whitcomb (Wis.), vol. 20, p. 860.
- Presumption that statute requiring construction of connections between railroads is a valid exercise of police power.
Atlantic, etc., Ry. Co. v. State (Fla.), vol. 20, p. 501.
- Reading statutes to jury.
Louisville & N. R. Co. v. Smith (Ky.), vol. 15, p. 613.
- Repeal.
Florida Cent. & P. R. Co. v. Foxworth (Fla.), vol. 13, p. 469.
- Separate coach statute, construed.
Brown v. State (Ga.), vol. 17, p. 247.
- State's consent to be sued not contained in § 3669 of the Political Code of California.
Smith v. Reeves (U. S.), vol. 19, p. 591.
- State statutes allowing married women to maintain suit in state court is applicable in federal courts.
Texas & P. Ry. Co. v. Humble (C. C. A.), vol. 17, p. 83.

STATUTES—Continued.

Statute requiring blocking of frogs, construed.

Gillin *v.* Patten & S. R. Co. (Me.), vol. 16, p. 508.

Wisconsin statute as to fellow servants, construed.

Medberry *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 17, p. 494.

STATUTES OF LIMITATION.

See Actions.

Limitation of Actions.

STEPS OF CARS.

See Street Railways.

STIPULATIONS.

Continuance.

Southern Kan. Ry. Co. *v.* Pavay (Kan.), vol. 5, p. 590.

STOCK.

See Carriers of Live Stock.

Fences.

Stock, Injuries to.

Statute prohibiting the transfer of infected cattle through state.

Selvege *v.* St. Louis & S. F. R. Co. (Mo.), vol. 4, p. 625.

STOCK AND STOCKHOLDERS.

See Taxation.

Amendment of charter without consent of.

Alexander *v.* Atlanta & W. P. R. Co. (Ga.), vol. 15, p. 337.

Disqualification of judge.

Robinson *v.* Southern Pacific Co. (Cal.), vol. 2, p. 44.

Effect upon stockholders' rights of sale of property by receiver.

Davis *v.* San Antonio & G. S. Ry. Co. (Tex.), vol. 15, p. 449.

Enjoining state officers from enforcing certain rates of transportation.

Smyth, Attorney General, *v.* Ames (U. S.), vol. 10, p. 1.

Increase of.

Union Ry. Co. *v.* Sneed (Tenn.), vol. 13, p. 876.

STOCK AND STOCKHOLDERS—Continued.

Interest of railroad stockholders secondary to that of the public.

People, Cantrell, *v.* St. Louis, A. & T. H. R. Co. (Ill.), vol. 12, p. 227.

Lease of land to company for stock yards.

Bacon *v.* Kentucky Central Railway Co. (Ky.), vol. 1, p. 718.

Pacific railroads, liability of stockholders.

United States *v.* Stanford (U. S.), vol. 3, p. 331.

Preferred stock not a debt.

People, Cantrell, *v.* St. Louis, A. & T. H. R. Co. (Ill.), vol. 12, p. 227.

Railroad commissioners cannot authorize, prohibit or annul issues of stock.

Davis *v.* San Antonio & G. S. Ry. Co. (Tex.), vol. 15, p. 449.

Right to issue stock in payment for construction of railroad under Const. Ill., art. 11, sec. 13.

Lake St. El. R. Co. *v.* Ziegler (C. C. A.), vol. 23, p. 1.

Ziegler *v.* Lake St. El. R. Co. (C. C. A.), vol. 23, p. 1.

Ultra vires issue of stock in violation of Const. Ill., art. 11, sec. 13.

Lake St. El. R. Co. *v.* Ziegler (C. C. A.), vol. 23, p. 1.

Ziegler *v.* Lake St. El. R. Co. (C. C. A.), vol. 23, p. 1.

Validity of stock issued in good faith in exchange to effect reorganization.

Sioux City, O. & W. Ry. Co. *v.* Manhattan Trust Co. (C. C. A.), vol. 15, p. 430.

STOCK, INJURIES TO.

See Actions.

Cattle Guards.

Fences.

Stations and Depots.

Absence of proof of negligence in action for injury to stock.

Jones *v.* Oregon Short Line R. Co. (Idaho), vol. 14, p. 26.

- STOCK, INJURIES TO—*Cont'd.***
- Absolute liability under statute requiring cattle guards, although animals are unlawfully on crossing.
 - Quimby v. Boston & M. R. R. (Vt.), vol. 19, p. 242.
 - Action for injuries to live stock, defective summons.
 - Louisville & N. R. Co. v. Bowen (Ky.), vol. 9, p. 276.
 - Age of boy driver, no excuse for contributory negligence.
 - McGill v. Minneapolis & St. L. R. Co. (Iowa), vol. 20, p. 790.
 - All employees not required to keep lookout for stock.
 - Arkansas & L. Ry. Co. v. Sanders (Ark.), vol. 23, p. 744.
 - Burden of proof as to the giving of signals, in action for killing stock at crossing.
 - Central of Ga. Ry. Co. v. Wood (Ala.), vol. 20, p. 906.
 - Burden of proof to show compliance with statutory requirements as to the giving of crossing signals, in action for injuries to stock, under Alabama Code, §§ 3440, 3443.
 - Southern Ry. Co. v. Reaves (Ala.), vol. 20, p. 784.
 - Burden of proving negligence.
 - Talbott v. W. Va., etc., Ry. Co. (W. Va.), vol. 8, p. 768.
 - Burden of proving that stock was killed by train.
 - Southern Ry. Co. v. Forsythe (Ky.), vol. 23, p. 51.
 - Care required of company.
 - Beattyville & C. G. R. Co. v. Maloney (Ky.), vol. 14, p. 24.
 - Savannah, etc., Ry. Co. v. Wideman (Ga.), vol. 5, p. 714.
 - Care required to avoid injuring cattle seen near track.
 - Southern Ry. Co. v. Reaves (Ala.), vol. 20, p. 784.
 - Cattle killed within cities and towns.
 - Evans v. Sherman, S. & S. Ry. Co. (Tex.), vol. 5, p. 184.
 - Colorado stock-killing act unconstitutional.
 - Denver & R. G. R. Co. v. Thompson (Colo.), vol. 14, p. 47.
- STOCK, INJURIES TO—*Cont'd.***
- Sweetland v. Atchison, T. & S. F. R. Co. (Colo.), vol. 3, p. 449.
 - Company's negligence where it killed a cow between street crossings in a populous town, while running at high rate of speed without signals, is for jury.
 - Ford v. St. Louis, I. M. & S. Ry. Co. (Ark.), vol. 15, p. 142.
 - Company not liable for injury to, where there is absence of proof of negligence.
 - Jones v. Oregon Short Line R. Co. (Idaho), vol. 14, p. 26.
 - Conflict of evidence as to whether the animal was standing on the track when the train was more than one mile distant and remained there until struck, or came suddenly in front of the passing train.
 - Bennett v. Chicago, M. & St. P. Ry. Co. (S. Dak.), vol. 5, p. 148.
 - Constitutionality of statute imposing a penalty of double the value of stock killed for failure to give notice.
 - Joliffe v. Brown (Wash.), vol. 3, p. 254.
 - Contract stipulating for exemption from liability for injury to stock on certain side track relates exclusively to such side track.
 - Weinkle v. Brunswick & W. R. Co. (Ga.), vol. 14, p. 50.
 - Contributory Negligence.**
 - Cornell v. Manistee & N. E. R. Co. (Mich.), vol. 11, p. 263.
 - Croft v. Chicago G. W. Ry. Co. (Minn.), vol. 11, p. 652.
 - Hutchinson v. Chicago, etc., Ry. Co. (S. Dak.), vol. 5, p. 714.
 - Contributory negligence no defense, if negligence was proximate cause.
 - Sauls v. D. W. Alderman & Sons Co. (S. Car.), vol. 15, p. 558.
 - In action for injury to stock under Wisconsin statute, contributory negligence is not a defence.
 - Cole v. Duluth, S. S. & A. Ry. Co. (Wis.), vol. 17, p. 749.

STOCK, INJURIES TO—*Cont'd.* STOCK, INJURIES TO—*Cont'd.*

Leaving team insufficiently hitched.

Western & A. R. Co. v. Strickland (Ga.), vol. 23, p. 510.

Crossing signals, whether failure to give was cause of injury, question for jury.

McGill v. Minneapolis & St. L. R. Co. (Iowa), vol. 20, p. 790.

Damages.

Expense of caring for injured animals.

Cully v. Louisville & N. R. Co. (Ky.), vol. 9, p. 872.

Interest on damages.

Western & A. R. Co. v. Calhoun (Ga.), vol. 11, p. 334.

Measure of damages.

Texas, etc., Ry. Co. v. Billingsby (Tex. Civ. App.), vol. 5, p. 714.

Omission to include in the charge all the items of damages claimed.

Terry v. Gulf, etc., Ry. Co. (Tex. Civ. App.), vol. 5, p. 714.

Whether claim for damages for killing stock on track bears interest.

Western & A. R. Co. v. Brown (Ga.), vol. 10, p. 107.

Defective fastening to cattle pen.

Texas, etc., Ry. Co. v. Big-ham (Tex.), vol. 6, p. 791.

Duty of employees to give signals.

Louisville & N. R. Co. v. Bowen (Ky.), vol. 9, p. 276.

Duty of engineer to animals near track.

Yazoo, etc., R. Co. v. Whittington (Miss.), vol. 6, p. 792.

Duty of engineer to keep look-out.

Louisville & N. R. Co. v. Bowen (Ky.), vol. 9, p. 276.

Duty of railroad company in respect to stock is subordinate to its duty to passengers and freight.

Kirk v. Norfolk & W. R. Co. (W. Va.), vol. 4, p. 105.

Duty of trainmen to look out for stock.

Georgia R. & Banking Co. v. Churchill (Ga.), vol. 21, p. 17.

Duty of trainmen where cattle are seen near track.

Central of Ga. Ry. Co. v. Dumas (Ala.), vol. 23, p. 956.

Graybill v. Chicago, etc., Ry. Co. (Iowa), vol. 20, p. 178.

Duty to fence against hogs unlawfully at large.

Kingsbury v. Missouri, etc., Ry. Co. (Mo.), vol. 19, p. 719.

Duty to keep right of way free from obstructions.

Arkansas & L. Ry. Co. v. Sanders (Ark.), vol. 23, p. 744.

Duty to look out for animals on track.

Central of Ga. Ry. Co. v. Dumas (Ala.), vol. 23, p. 956.

Louisville & N. R. Co. v. Kice (Ky.), vol. 20, p. 45.

Duty to look out for cattle near track.

Southern Ry. Co. v. Reaves (Ala.), vol. 20, p. 784.

Engineer's negligence, question for jury.

Hutchinson v. Chicago, etc., Ry. Co. (S. Dak.), vol. 5, p. 714.

Evidence.

Louisville & W. R. Co. v. Hall (Ga.), vol. 14, p. 7.

Burden of proof on plaintiff to show that the killing of stock on track was the result of defendant's negligence.

Mire v. Yazoo & M. Val. R. Co. (La.), vol. 21, p. 761.

Compromise, admissibility in evidence of letter offering compromise, in action for injuries to stock.

Chicago, B. & Q. R. Co. v. Roberts (Colo.), vol. 15, p. 572.

Evidence as to value of stock.

Terry v. Gulf, etc., Ry. Co. (Tex. Civ. App.), vol. 5, p. 715.

STOCK, INJURIES TO—*Cont'd.* STOCK, INJURIES TO—*Cont'd.*

In an action to recover damages for the negligent killing of stock by a railroad company, evidence to show that signboards had been erected at its crossings and proper signals had been given subsequent to the accident is inadmissible.

Louisville & N. R. Co. v. Bowen (Ky.), vol. 9, p. 276.

Insufficient evidence to warrant recovery for killing of stock.

Schmidt v. Chicago, etc., Ry. Co. (Iowa), vol. 5, p. 714.

Killing stock, testimony of engineer uncontradicted.

Mobile, etc., R. Co. v. Weems (Miss.), vol. 7, p. 788.

Liability of railway companies.

Lake Erie, etc., R. Co. v. Weisel (Ohio), vol. 5, p. 714.

Limitation of actions.

Kansas City, etc., R. Co. v. Whitehead (Ala.), vol. 4, p. 262.

Lookout for trespassing stock.

Keilbach v. Chicago, M. & St. P. Ry. Co. (N. Dak.), vol. 14, p. 28.

Negligence.

Atlanta, etc., R. Co. v. Irwin (Ga.), vol. 8, p. 768.

Blankenship v. Kanawha, etc., Ry. Co. (W. Va.), vol. 8, p. 768.

Notice, place of killing must be designated in.

Ryan v. Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 4.

Of failure to give crossing signals, in action for injury to stock near crossing.

Willingham v. Macon & B. Ry. Co. (Ga.), vol. 21, p. 340.

Of value.

Western & A. R. Co. v. Calhoun (Ga.), vol. 11, p. 334.

Ordinance limiting speed.

Southern Ry. Co. v. Wood (Ky.), vol. 15, p. 570.

Other killings.

Whitmore v. Rio Grande Western Ry. Co. (Utah), vol. 23, p. 742.

Weight of engineer's testimony, in action for injury to stock.

Southern Ry. Co. v. Reaves (Ala.), vol. 20, p. 784.

Failure to construct cattle guards not actionable negligence unless cause of injury.

McGill v. Minneapolis & St. L. R. Co. (Iowa), vol. 20, p. 790.

Failure to give signal and slacken speed for crossing is not negligence per se in action to recover for stock killed beyond crossing.

Georgia R. & B. Co. v. Clary (Ga.), vol. 11, p. 856.

Failure to observe statutory rule in approaching crossing does not render company liable for injuries to stock beyond crossing.

Southern Ry. Co. v. New (Ga.), vol. 14, p. 19.

Fences.

Common law does not require.

Sinard v. Southern Ry. Co. (Tenn.), vol. 14, p. 17.

Duty to fence.

Patrie v. Oregon Short-Line R. Co. (Idaho), vol. 14, p. 39.

Failure to fence does not render company liable where stock was not struck by train.

Sinard v. Southern Ry. Co. (Tenn.), vol. 14, p. 17.

Failure to fence track in city not prima facie evidence of negligence.

Ryan v. Northern Pac. Ry. Co. (Wash.), vol. 11, p. 647.

Fencing of switch limits.

Texas, etc., R. Co. v. Billingsby (Tex. Civ. App.), vol. 5, p. 714.

Gate left open by landowner.

Harding v. Chicago, M. & St. P. R. Co. (Iowa), vol. 6, p. 615.

Liability fixed by place of killing.

Patrie v. Oregon Short-Line R. Co. (Idaho), vol. 14, p. 39.

STOCK, INJURIES TO—*Cont'd.*

- Liability for failure to keep in repair fence not required by law.
 Georgia S. & F. Ry. Co. v. Wisenbaker (Ga.), vol. 22, p. 186.
 Railroad liable for killing stock at place where it should have fence.
 Patrie v. Oregon Short Line R. Co. (Idaho), vol. 14, p. 39.
 The fact that a railroad company neglected to fence its track at a place where it could have been fenced does not render it liable for killing a horse prohibited to be at large.
 Evans v. Sherman, S. & S. Ry. Co. (Tex.), vol. 5, p. 184.
 Under secs. 1, 2, art. 1, c. 72, Comp. St., a railroad company is liable for injuries caused by a moving train to cattle, horses, sheep or hogs upon its track, at a place where it ought to have been, but was not, fenced, although there was no actual collision between the train and the animals injured.
 Chicago, B. & Q. R. Co. v. Cox (Neb.), vol. 7, p. 379.
 Gate left open by unknown person without actual or imputable knowledge or notice of the company.
 Kavanaugh v. Atchison, T. & S. F. Ry. Co. (Mo.), vol. 21, p. 755.
 Harmless error as to amount of damages awarded.
 Illinois Cent. R. Co. v. Abernathay (Tenn.), vol. 22, p. 206.
 In action to recover for stock killed, negligence in failing to see stock and after seeing it are questions for jury.
 Ryan v. Northern Pac. Ry. Co. (Wash.), vol. 11, p. 647.
 Injuries to stock at farm crossings.
 Mooers v. Northern Pac. Ry. Co. (Minn.), vol. 17, p. 753.
 Injuries to stock, duty to construct cattle guards.
 Atchison, T. & S. F. R. Co. v. Billings (Kan.), vol. 10, p. 740.

STOCK, INJURIES TO—*Cont'd.*

- Instructions.
 Graybill v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 20, p. 178.
 Jurisdiction of supreme court of Washington where stock is killed.
 Huber v. Brown (Wash.), vol. 10, p. 884.
 Justices of the peace, jurisdiction of stock killing cases.
 Kansas City, etc., R. Co. v. Whitehead (Ala.), vol. 4, p. 262.
 Killing of stock on track.
 Lovejoy v. Chesapeake, etc., R. Co. (W. Va.), vol. 4, p. 261.
 Killing of trespassing stock.
 Roberts v. Mobile & O. R. Co. (Miss.), vol. 7, p. 93.
 Killing stock, conflicting testimony.
 Quinn v. Southern Ry. Co. (Miss.), vol. 7, p. 788.
 Liability for killing stock a question for jury.
 Western & A. R. Co. v. Brown (Ga.), vol. 10, p. 107.
 Liability for killing stock at crossing, sufficiency of evidence.
 Southern Ry. Co. v. Reaves (Ala.), vol. 20, p. 784.
 Liability of company for failure to keep lookout for stock.
 Missouri, K. & T. Ry. Co. v. Ward (Ind. Ter.), vol. 11, p. 328.
 Negligence.
 Negligence must be pleaded in action for killing stock.
 Denver & R. G. R. Co. v. Thompson (Colo.), vol. 14, p. 47.
 Negligence of owner as to gates.
 Lake Erie, etc., R. Co. v. Weisel (Ohio), vol. 5, p. 714.
 Negligence, question for jury.
 Hardison v. Atlantic & N. C. R. Co. (N. Car.), vol. 11, p. 848.
 Negligence, sufficiency of evidence to rebut presumption of in action for killing stock on track.
 Southern Ry. Co. v. Loughridge (Ga.), vol. 23, p. 387.

- STOCK, INJURIES TO—Cont'd.**
- Sufficiency of evidence.
 - Mire *v.* Yazoo & M. Val. R. Co. (La.), vol. 21, p. 761.
 - Notice, amendment of statute as to does not affect case in which right of action accrued prior to its passage.
 - Ryan *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 4.
 - Notice, a state statute in relating to the killing or injuring of stock upon unfenced railroads provided that written notice should be given to "the nearest station agent of the company to which said railroads shall belong": *held*, that the meaning of such statute was that written notice should be given to the agent nearest the accident, whether living in the same civil district or not.
 - Illinois Cent. R. Co. *v.* Tilman (Tenn.), vol. 7, p. 735.
 - Notice, condition precedent to maintenance of action for injuries to.
 - Ryan *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 4.
 - Wood & Gumaer Mfg. Co. *v.* Whitcomb (Wis.), vol. 14, p. 1.
 - Notice, to construct cattle guards, sufficiency of.
 - McGill *v.* Minneapolis & St. L. R. Co. (Iowa), vol. 20, p. 790.
 - Notice, what required in action for stock killing.
 - Ryan *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 4.
 - Placing salt upon track in freezing weather.
 - Kirk *v.* Norfolk & W. R. Co. (W. Va.), vol. 4, p. 105.
 - Pleading and proving negligence.
 - Haner *v.* Northern Pac. Ry. Co. (Idaho), vol. 19, p. 628.
 - Presumptions as to place of entry on track.
 - Mobile & O. R. Co. *v.* Tierman (Tenn.), vol. 15, p. 564.
 - Presumption of negligence.
 - Central of Ga. Ry. Co. *v.* Howard (Ga.), vol. 21, p. 15.
 - STOCK, INJURIES TO—Cont'd.**
 - Georgia S. & F. Ry. Co. *v.* Sanders (Ga.), vol. 18, p. 206.
 - Western & A. R. Co. *v.* Robinson (Ga.), vol. 23, p. 508.
 - Presumption of negligence from the mere fact of killing.
 - Alabama Mid. Ry. Co. *v.* Gassett (Ga.), vol. 5, p. 607.
 - Davis *v.* Florida Cent. & P. R. Co. (S. Car.), vol. 5, p. 324.
 - Little Rock & Ft. S. Ry. Co. *v.* Wilson (Ark.), vol. 14, p. 32.
 - St. Louis, I. M. & S. Ry. Co. *v.* Bragg (Ark.), vol. 14, p. 34.
 - Texas, etc., Ry. Co. *v.* Big-ham (Tex.), vol. 6, p. 791.
 - Presumption of negligence in action for killing, where evidence is conflicting.
 - McMillin *v.* Southern Ry. Co. (Miss.), vol. 14, p. 37.
 - Railway not liable for stock killed during receivership.
 - Schurr *v.* Omaha & St. L. Ry. Co. (Iowa), vol. 5, p. 152.
 - Rebutting presumption of negligence from injury to.
 - Cantrell *v.* Kansas City, M. & B. R. Co. (Miss.), vol. 14, p. 30.
 - Central of Georgia Ry. Co. *v.* Wood (Ga.), vol. 11, p. 850.
 - Central of Georgia R. Co. *v.* Woolsey (Ga.), vol. 19, p. 573.
 - Keilbach *v.* Chicago, M. & St. P. Ry. Co. (N. Dak.), vol. 14, p. 28.
 - Southern Ry. Co. *v.* Early (Ga.), vol. 12, p. 859.
 - St. Louis, I. M. & S. Ry. Co. *v.* Bragg (Ark.), vol. 14, p. 34.
 - Repeal of charter provision as to time in which action must be brought.
 - Louisville & N. R. Co. *v.* Williams (Ky.), vol. 11, p. 338.
 - Right of action for killing live stock as depending upon ownership.
 - Southern Ry. Co. *v.* Hall (Tenn.), vol. 23, p. 276.

STOCK, INJURIES TO—*Cont'd.* STOCK, INJURIES TO—*Cont'd.*

Right of defendant to new trial because of insufficiency of evidence.

Mobile & O. R. Co. *v.* Whayne (Ky.), vol. 23, p. 319.

Signals, absence of evidence that failure to give was cause of injury.

Mankey *v.* Chicago, M. & St. P. Ry. Co. (S. Dak.), vol. 21, p. 248.

Signals, liability for injuries to stock as affected by failure to give at crossings.

Graybill *v.* Chicago, etc., Ry. Co. (Iowa), vol. 20, p. 178.

Signals, question whether failure to give statutory signals contributed to killing of cow on track is for jury.

Ford *v.* St. Louis, I. M. & S. Ry. Co. (Ark.), vol. 15, p. 142.

Speed of train as negligence in action for injury to.

Alabama Midland Ry. Co. *v.* McGill (Ala.), vol. 14, p. 20.

Speed, whether speed of train was proximate cause of killing cow is for jury.

Ford *v.* St. Louis, I. M. & S. Ry. Co. (Ark.), vol. 15, p. 142.

Statutory requirements as to signals not the sole measure of duty of engineer where cattle are seen near track.

Southern Ry. Co. *v.* Reaves (Ala.), vol. 20, p. 784.

Sufficiency of description of land in contract releasing railroad from damages for killing stock.

Louisville & N. R. Co. *v.* Webster (Tenn.), vol. 22, p. 410.

Sufficiency of evidence of negligence.

Southern Ry. Co. *v.* Shirley (Ala.), vol. 21, p. 60.

Southern Ry. Co. *v.* Watson (Ga.), vol. 23, p. 509.

Sufficiency of evidence to show that stock was killed by train.

Southern Ry. Co. *v.* Forsythe (Ky.), vol. 23, p. 51.

Sufficiency of evidence to support verdict.

Illinois Cent. R. Co. *v.* Abernathy (Tenn.), vol. 22, p. 206.

Tax return as evidence of value.

Southern Ry. Co. *v.* Tharp (Ga.), vol. 12, p. 858.

Unlawful speed as proximate cause.

Central of Ga. Ry. Co. *v.* Neidlinger (Ga.), vol. 17, p. 758.

Validity of attorney's fees.

Jolliffe *v.* Brown (Wash.), vol. 3, p. 254.

Variance between notice of claim required by Iowa Code 1873, § 1289, and affidavits and evidence did not render the notice insufficient.

Brammer *v.* Wabash R. Co. (Iowa), vol. 22, p. 508.

Verdict warranted by evidence.

Willingham *v.* Macon & B. Ry. Co. (Ga.), vol. 21, p. 340.

Where defendant introduces evidence tending to show his innocence, in an action to recover for stock killed, his negligence is a question for jury.

Hardison *v.* Atlantic & N. C. R. Co. (N. Car.), vol. 11, p. 848.

Where evidence as to whether engineer was negligent in failing to see stock on track is conflicting negligence is a question for jury.

Missouri, K. & T. Ry. Co. *v.* Farrington (Ind. Ter.), vol. 11, p. 854.

Where horse was killed twenty feet from a public crossing, a charge to the jury as to statutory requirements to sound whistle for public crossings constituted reversible error.

Sims *v.* Southern Ry. Co. (S. Car.), vol. 20, p. 76.

Where stock is killed beyond crossing, failure to give signals and slacken speed is not negligence per se.

Georgia R. & B. Co. *v.* Clary (Ga.), vol. 11, p. 856.

Where there is conflicting evidence as to question of killing of stock, question of negligence is for jury.

Roberts *v.* Mobile & O. R. Co. (Miss.), vol. 7, p. 93.

Wilfulness on part of owner not shown by evidence of defect in his gate.

Enix *v.* Iowa Cent. Ry. Co. (Iowa), vol. 23, p. 54.

STOCKMEN.

See Carriers of Live Stock.
Carriers of Passengers.

STOP, LOOK AND LISTEN.

See Accidents on Track.
Contributory Negligence.
Crossings.

STOP-OVER CHECKS.

See Carriers of Passengers.
Tickets and Fares.

STOPPAGE IN TRANSITU.

See Carriers of Freight.
Carriers of Goods.
Carriers of Live Stock.

Jeffris v. Fitchburg R. Co.
(Wis.), vol. 4, p. 608.

Change of consignee by shipper's agent after consignment to principal.

Lake Shore & M. S. R. Co. v. National Live Stock Bank (Ill.), vol. 13, p. 1.

Lien for freight.

Pennsylvania Steel Co. v. Georgia Railroad & Banking Co. (Ga.), vol. 2, p. 685.

STREET RAILWAYS.

See Abutters.
Accidents on Track.
Carriers of Passengers.
Children.
Constitutional Law.
Contributory Negligence.
Crossings.
Damages.
Electric Railways.
Eminent Domain.
Exemplary Damages.
Frightening Horses.
Injunction.
Municipal Corporations.
Nuisances.
Ordinances.
Personal Injuries.
Railroads in Streets.
Streets.
Tickets and Fares.
Water and Watercourses.

Abandonment.

Taylor v. Chicago, M. & St. P. R. Co. (Wis.), vol. 1, p. 170.

Abutting owners cannot sue jointly for damages in gross sum where unlawful construction by street railway.

Younkin v. Milwaukee L., H. & T. Co. (Wis.), vol. 23, p. 500.

STREET RAILWAYS—Cont'd.

Abutting owner's consent avoided where proper construction of the line becomes impossible.

Beeson v. City of Chicago (U. S.), vol. 5, p. 715.

Accident at street railway crossing, child of about eleven years old.

Consolidated & C. P. Ry. Co. v. Wyatt (Kan.), vol. 9, p. 756.

Accidents on Track.

Care to be exercised by motorman and conductors.

Flewelling v. Lewiston & A. H. R. Co. (Me.), vol. 6, p. 501.

Care to be exercised by motorman of electric car.

White v. Worcester Consolidated St. R. Co. (Mass.), vol. 6, p. 110.

Deaf persons.

Buttelli v. Jersey City, etc., Ry. Co. (N. J.), vol. 7, p. 784.

Declaration of motorman as to his failure to apply brakes after discovering plaintiff's peril as *res gestæ*.

Floyd v. Paducah Ry. & Light Co. (Ky.), vol. 23, p. 167.

Defective track, pleading.

Citizens' St. R. Co. v. Sutton (Ind.), vol. 8, p. 771.

Duties of street railways and public as to use of street.

Buttelli v. Jersey City, etc., Ry. Co. (N. J.), vol. 7, p. 784.

Duty of electric railroads to give signals of approach.

Consolidated Traction Co. v. Chenoweth (N. J.), vol. 5, p. 599.

Duty of gripman towards persons approaching tracks.

Bunyan v. Citizens' Ry. Co. (Mo.), vol. 1, p. 246.

Duty to provide fenders.

Schepers v. Union Depot R. Co. (Mo.), vol. 2, p. 9.

Duty towards other travelers of employee controlling moving cars.

Baltimore City Pass. Ry. Co. v. Coney (Md.), vol. 11, p. 759.

Buttelli v. Jersey City, etc., Ry. Co. (N. J.), vol. 7, p. 784.

STREET RAILWAYS—*Cont'd.*

- Cincinnati, St. R. Co. *v.*
Whitcomb (C. C. A.), vol. 1, p. 260.
- Cohen *v.* West Chicago St. R. Co. (C. C. A.), vol. 1, p. 261.
- Consolidated Traction Co. *v.* Scott (N. J.), vol. 4, p. 371.
- Daly *v.* Detroit Citizens' St. R. Co. (Mich.), vol. 1, p. 260.
- Laethem *v.* Ft. Wayne & B. I. R. Co. (Mich.), vol. 1, p. 259.
- Lake Roland El. R. Co. *v.* McKewen (Md.), vol. 1, p. 260.
- Little *v.* Superior R. T. R. Co. (Wis.), vol. 1, p. 260.
- Montgomery *v.* Lansing City Electric R. Co. (Mich.), vol. 1, p. 260.
- Stelk *v.* McNulta (C. C. A.), vol. 22, p. 778.
- Thoresen *v.* La Crosse City R. Co. (Wis.), vol. 1, p. 259.
- Yingst *v.* Lebanon & A. St. R. Co. (Pa. St.), vol. 1, p. 259.
- Erroneous instruction in action for injuries.
- Highland, etc., R. Co. *v.* Sampson (Ala.), vol. 5, p. 718.
- Error of judgment of motor-man.
- Bittner *v.* Crosstown St. Ry. Co. of Buffalo (N. Y.), vol. 9, p. 152.
- Evidence as to proper position of person operating car.
- Czezewzka *v.* Benton Bellefontaine R. Co. (Mo.), vol. 1, p. 267.
- Evidence of negligent speed.
- Riley *v.* Salt Lake R. T. Co. (Utah), vol. 1, p. 266.
- Yingst *v.* Lebanon & A. St. R. Co. (Pa.), vol. 1, p. 266.
- Evidence of person injured when supposing car would stop.
- Atlantic Consol. St. R. Co. *v.* Beauchamp (Ga.), vol. 1, p. 267.
- Evidence of possibility of stopping car.
- Riley *v.* Salt Lake R. T. Co. (Utah), vol. 1, p. 266.
- Evidence that tracks were in public highway, in action against street railway for running down wagon.

STREET RAILWAYS—*Cont'd.*

- Vincent *v.* Norton, etc., Ry. Co. (Mass.), vol. 23, p. 543.
- Excessive speed.
- Harper *v.* Philadelphia Traction Co. (Pa. St.), vol. 4, p. 257.
- Expert evidence as to distance within which car may be stopped.
- Traver *v.* Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.
- Harmless error in admitting evidence of ordinance requiring gripman to exercise vigilance to prevent accidents.
- Schmidt *v.* St. Louis R. Co. (Mo.), vol. 22, p. 711.
- Injury to driver of vehicle on street car track.
- Consolidated Traction Co. *v.* Knoth (N. J.), vol. 10, p. 844.
- Injury to person driving.
- Laufer *v.* Bridgeport Traction Co. (Conn.), vol. 7, p. 788.
- South Covington & C. St. Ry. Co. *v.* Enslen (Ky.), vol. 7, p. 786.
- Killing deaf mute on electric railway track, proximate cause.
- Thompson *v.* Salt Lake Rapid Transit Co. (Utah), vol. 10, p. 563.
- Killing of person on track, negligence a question for jury.
- Coll *v.* Easton Transit Co. (Pa.), vol. 11, p. 722.
- Negligence, in striking a pedestrian, question for jury.
- Consolidated Traction Co. *v.* Isley (N. J.), vol. 5, p. 457.
- Negligence, obstruction of track of street railroad by carriage.
- Camden, etc., Ry. Co. *v.* Preston (N. J.), vol. 5, p. 616.
- Negligence, question for jury where no lookout for travelers on backing car.
- Central Ry. Co. *v.* Knowles (Ill.), vol. 22, p. 795.
- Obstruction near track of street railway and failure to signal, sufficiency of evidence of negligence.
- Perry *v.* Macon Consol. St. R. Co. (Ga.), vol. 10, p. 819.

- STREET RAILWAYS—Cont'd.**
- Obstruction on track.
 - Consolidated Traction Co. v. Haight (N. J.), vol. 8, p. 90.
 - Presumption that tracks were in public highway in action against street railway for running down wagon.
 - Vincent v. Norton, etc., Ry. Co. (Mass.), vol. 23, p. 543.
 - Public could acquire no right to use as foot path track not in highway.
 - Floyd v. Paducah Ry. & Light Co. (Ky.), vol. 23, p. 167.
 - Reciprocal duties of street railways and drivers of vehicles.
 - Moore v. Charlotte Electric St. Ry. Co. (N. Car.), vol. 22, p. 785.
 - Restarting street car after accident.
 - McDivitt v. Des Moines St. R. Co. (Iowa), vol. 6, p. 106.
 - Right of motorman to assume that person will leave track.
 - Citizens' St. R. Co. v. Shepherd (Tenn.), vol. 23, p. 163.
 - Right of street railways and travelers on street equal except with respect to right of way.
 - Traver v. Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.
 - Right of way on tracks superior to that of other users.
 - Brown v. Wilmington City Ry. Co. (Del.), vol. 12, p. 439.
 - Right to assume that a vehicle will keep out of way of car.
 - White v. Worcester Consol. St. R. Co. (Mass.), vol. 6, p. 110.
 - Right to punitive damages where collision between street car and vehicle.
 - Nashville St. R. R. v. O'Bryan (Tenn.), vol. 22, p. 902.
 - Rule where street car meets person or vehicle.
 - Hall v. Ogden City St. Ry. Co. (Utah), vol. 4, p. 77.
 - Runaways.
 - Hamilton v. West End R. Co. (Mass.), vol. 2, p. 221.
 - Signals, duty to give.
 - Philadelphia Traction Co. v. Lightcap (C. C. A.), vol. 1, p. 271.
 - Street railway company liable for running down wagon and causing personal injuries not within Massachusetts Statute 1898, c. 578, sec. 11, requiring notice of injuries by any person in the management of railway car tracks.
 - Vincent v. Norton, etc., Ry. Co. (Mass.), vol. 23, p. 543.
 - Sufficiency of evidence of negligence of motorman where person was killed on track.
 - Stelk v. McNulta (C. C. A.), vol. 22, p. 778.
 - Superior right of passenger in streets.
 - Bunyan v. Citizens' Ry. Co. (Mo.), vol. 1, p. 246.
 - Hicks v. Citizens' R. Co. (Mo.), vol. 1, p. 253.
 - Moore v. Kansas City & I. R. T. Co. (Mo.), vol. 1, p. 254.
 - Omaha St. R. Co. v. Duvall (Neb.), vol. 1, p. 253.
 - Orr v. Cedar Rapids & M. C. R. Co. (Iowa), vol. 1, p. 239.
 - Thatcher v. Central Traction Co. (Pa. St.), vol. 1, p. 253.
 - Validity of ordinance regarding fenders on street cars.
 - State v. City of Cape May (N. J.), vol. 6, p. 511.
 - Warning of approaching trolley car.
 - Consolidated Traction Co. v. Haight (N. J.), vol. 8, p. 90.
 - Where there was evidence tending to show that a boy injured on street car track was guilty of contributory negligence and that the motorman should have seen him in time to avoid injury, company's liability was a question for jury.
 - Baltimore City Pass. R. Co. v. Cooney (Md.), vol. 11, p. 759.
 - Wilful wrong in running down wagon on street railway track.
 - Vincent v. Norton, etc., Ry. Co. (Mass.), vol. 23, p. 543.
 - Acquiescence of municipality in change of motive power,
 - Potter v. Scranton Traction Co. (Pa.), vol. 4, p. 307.
- STREET RAILWAYS—Cont'd.**

STREET RAILWAYS—*Cont'd.* STREET RAILWAYS—*Cont'd.*

Action against street railway company for injuries and death of others than passengers.

Czezewzka v. Benton-Bellefontaine R. Co. (Mo.), vol. 1, p. 265.

Dunseath v. Pittsburgh, A. & M. Traction Co. (Pa.), vol. 1, p. 278.

Little v. Superior R. T. R. Co. (Wis.), vol. 1, p. 265.

North Hudson Co. R. Co. v. Flanagan (N. J.), vol. 1, p. 265.

Redford v. Spokane St. R. Co. (Wash.), vol. 1, p. 265.

San Antonio St. R. Co. v. Mechler (Tex.), vol. 1, p. 265.

Action by abutter for damages from construction of railway.

Taylor v. Bay City Street Ry. Co. (Mich.), vol. 1, p. 165.

Action to compel operation, interest necessary to enable one to maintain.

State ex rel. Grinsfelder v. Spokane St. Ry. Co. (Wash.), vol. 11, p. 62.

Action to compel operation, necessity of demand.

State ex rel. Grinsfelder v. Spokane St. Ry. Co. (Wash.), vol. 11, p. 62.

Additional Servitude.

Canastota Knife Co. v. Newington, etc., Co. (Conn.), vol. 7, p. 787.

Chicago & Calumet Terminal Ry. Co. v. Whiting, Hammond & East Chicago St. Ry. Co. (Ind.), vol. 1, p. 181.

Chicago & N. W. Ry. Co. v. Milwaukee R. & K. Electric Ry. Co. (Wis.), vol. 7, p. 787.

Bridges over railway tracks.

Carolina Cent. R. Co. v. Wilmington St. Ry. Co. (N. Car.), vol. 7, p. 786.

Not additional servitude.

Southern Ry. Co. v. Atlanta R. T. Co. (Ga.), vol. 18, p. 425.

Proximity to abutting property.

Ashland & C. St. Ry. Co. v. Faulkner (Ky.), vol. 10, p. 223.

Trolley poles not an additional servitude.

Snyder v. Ft. Madison St. Ry. Co. (Iowa), vol. 11, p. 53.

Whether elevated railroads are.

Freiday v. Sioux City R. T. Co. (Iowa), vol. 1, p. 408.

Potts v. Quaker City Elevated R. Co. (Pa.), vol. 1, p. 401.

Whether the conversion of horse railway into electric road is an additional servitude.

Reid v. Norfolk City R. Co. (Va.), vol. 6, p. 792.

Agreement of street railway company in consideration of consent of an abutting owner that it would not thereafter lay a second track.

Blondel v. St. Paul City R. Co. (Minn.), vol. 6, p. 272.

Doane v. Chicago City Ry. Co. (Ill.), vol. 6, p. 792.

Application for mandamus to compel operation, review of findings.

State ex rel. Grinsfelder v. Spokane St. Ry. Co. (Wash.), vol. 11, p. 62.

Assault by motorman.

Rudgeair v. Reading Traction Co. (Pa.), vol. 8, p. 112.

Assistance of passenger alighting.

Baldwin v. Fair Haven & W. R. Co. (Conn.), vol. 9, p. 853.

Authority to connect lines acquired from other companies.

Brown v. Atlanta Ry. & Power Co. (Ga.), vol. 22, p. 886.

Authority to construct double tracks under general power.

Brown v. Atlanta Ry. & Power Co. (Ga.), vol. 22, p. 886.

Bond to a city to assure completion of street railway within specified time.

City of Aberdeen v. Honey (Wash.), vol. 1, p. 163.

Charter from legislature, what constitutes.

Southern Ry. Co. v. Atlanta R. T. Co. (Ga.), vol. 18, p. 425.

Children.

Care required of street railways to avoid injuring small children.

Levin v. Second Ave. Traction Co. (Pa.), vol. 23, p. 318.

STREET RAILWAYS—Cont'd. STREET RAILWAYS—Cont'd.

- Duty of motorman to exercise watchfulness as to children.
 Bergen County Traction Co. *v.* Heitman (N. J.), vol. 11, p. 286.
- Evidence as to negligence of driver and defective brake where child was injured.
 Gannon *v.* New Orleans City, etc., R. Co. (La.), vol. 6, p. 792.
- Evidence of motorman's negligence insufficient.
 Fleishman *v.* Neversink Mountain R. Co. (Pa. St.), vol. 4, p. 261.
- Imputable negligence, where child is killed.
 Fox *v.* Oakland Consol. St. Ry. (Cal.), vol. 9, p. 825.
- Injury to child on track, negligence.
 Bergen County Traction Co. *v.* Heitman (N. J.), vol. 11, p. 286.
- Liability for killing child suddenly running on track.
 Callery *v.* Easton Transit Co. (Pa.), vol. 11, p. 323.
- City council not exclusive judge of consent of abutters.
 Beeson *v.* City of Chicago (U. S.), vol. 5, p. 715.
- Collisions.**
- Collision at intersection.
 Metropolitan St. Ry. Co. *v.* Kennedy (C. C. A.), vol. 9, p. 509.
 Taylor *v.* Grand Ave. Ry. Co. (Mo.), vol. 9, p. 863.
- Collision between street car and team.
 Consol. Tract. Co. *v.* Behr (N. J.), vol. 8, p. 770.
 Hall *v.* Ogden City St. Ry. Co. (Utah), vol. 4, p. 77.
 South Covington Consol. St. Ry. Co. *v.* Pelzer (Ky.), vol. 10, p. 833.
 State, Consol. Traction Co. *v.* Reeves (N. J.), vol. 3, p. 650.
- Collision of street car with vehicle, negligence.
 Consol. Tract. Co. *v.* Behr (N. J.), vol. 8, p. 770.
- Concurring negligence in collision between two street cars belonging to different lines.
 O'Rourke *v.* Lindell Ry. Co. (Mo.), vol. 9, p. 675.
- Duty of company.
 Orr *v.* Cedar Rapids & M. S. R. Co. (Iowa), vol. 1, p. 239.
- Duty of railroad to avoid collision.
 Hicks *v.* Citizens' R. Co. (Mo.), vol. 1, p. 255.
- What constitute.
 Cooke *v.* Baltimore Traction Co. (Md.), vol. 1, p. 255.
 Czewezka *v.* Benton-Bellefontaine R. Co. (Mo.), vol. 1, p. 256.
 Hicks *v.* Citizens' R. Co. (Mo.), vol. 1, p. 255.
 Johnson *v.* Reading City Pass. R. Co. (Pa.), vol. 1, p. 255.
 Rome St. R. Co. *v.* McGinnis (Ga.), vol. 1, p. 256.
 Thatcher *v.* Central Traction Co. (Pa.), vol. 1, p. 255.
 Trowbridge *v.* Danville St. R. Co. (Va.), vol. 1, p. 256.
- Common Carriers.**
- East Omaha St. R. Co. *v.* Godola (Neb.), vol. 7, p. 300.
- Street railway companies are, in this state, common carriers, and as such are required to exercise more than ordinary skill and precaution in order to insure the safety of passengers upon their trains.
 East Omaha St. R. Co. *v.* Godola (Neb.), vol. 7, p. 300.
- Compelling construction of line.
 San Antonio St. R. Co. *v.* State ex rel. Elmendorf (Tex.), vol. 6, p. 658.
- Complaint for personal injuries.
 Cunningham *v.* Los Angeles Ry. Co. (Cal.), vol. 7, p. 783.
- Condemnation of track of one company to the use of another company.
 Colonial City Traction Co. *v.* Kingston City R. Co. (N. Y.), vol. 10, p. 327.
- Conflicting rights of rival companies.
 Tamaqua & L. St. R. Co. *v.* Inter-County St. R. Co. (Pa. St.), vol. 1, p. 198.

STREET RAILWAYS—Cont'd.

- Consolidation, effect on powers.
 - State Consolidated Traction Co. *v.* City of Elizabeth (N. J.), vol. 3, p. 614.
- Constitutional law, railway in park where there is a prohibition against construction of railroads in streets.
 - Philadelphia *v.* McManes (Pa.), vol. 3, p. 652.
- Construction of contract between street railways for use of track.
 - Prospect Park & Coney Island R. Co. *v.* Coney Island & Brooklyn R. Co. (N. Y.), vol. 1, p. 222.
- Construction of statute granting exclusive privilege to use streets.
 - Detroit Citizens' Street Ry. Co. *v.* City of Detroit (Mich.), vol. 5, p. 15.
- Construction of statute granting rights in streets.
 - Louisville Trust Co. *v.* City of Cincinnati (C. C. A.), vol. 6, p. 114.
- Contracts between street railways, trackage agreement, effect of city ordinance.
 - Canal & C. R. Co. *v.* Crescent City R. Co. (La.), vol. 1, p. 229.
- Contributory Negligence.**
 - Attempt to cross in front of moving street car.
 - O'Connell *v.* St. Paul City R. Co. (Minn.), vol. 4, p. 60.
 - Boy injured while trying to cross track diagonally.
 - Funk *v.* Traction Co. (Pa.), vol. 5, p. 715.
 - Care required of driver of vehicle driving along street railway track in covered wagon.
 - Vincent *v.* Norton, etc., Ry. Co. (Mass.), vol. 23, p. 543.
 - Care to be exercised by travelers in street.
 - Flewelling *v.* Lewiston & A. H. R. Co. (Me.), vol. 6, p. 501.
 - Hall *v.* Ogden City St. Ry. Co. (Utah), vol. 4, p. 77.
 - Care to be exercised in crossing track.
 - Young *v.* Citizens' St. R. Co. (Ind.), vol. 5, p. 717.

STREET RAILWAYS—Cont'd.

- Collision of horse and vehicle with street car.
 - State, Consolidated Traction Co. *v.* Reeves (N. J.), vol. 3, p. 651.
- Contributory negligence of boy injured on street car track and negligence of motorman.
 - Baltimore City Pass. Ry. Co. *v.* Cooney (Md.), vol. 11, p. 759.
- Crossing in front of moving train.
 - Watson *v.* Mound City Street Railway Co. (Mo.), vol. 3, p. 385.
- Deaf and dumb persons.
 - Beem *v.* Tama & T. Electric Ry. & Light Co. (Iowa), vol. 10, p. 610.
- Death on street railway tracks.
 - Blaney *v.* Electric Traction Co. (Pa.), vol. 10, p. 560.
- Driving covered wagon along tracks.
 - Vincent *v.* Norton, etc., Ry. Co. (Mass.), vol. 23, p. 543.
- Duty of persons using tracks.
 - Brown *v.* Wilmington City Ry. Co. (Del.), vol. 12, p. 439.
- Duty of travelers to avoid collisions.
 - Baltimore Traction Co. *v.* Appel (Md.), vol. 1, p. 261.
 - Cincinnati St. R. Co. *v.* Whitcomb (C. C. A.), vol. 1, p. 261.
 - Connelly *v.* Trenton Pass. R. Co. (N. J.), vol. 1, p. 261.
 - Patterson *v.* Townsend (Iowa), vol. 1, p. 262.
- Failure to look and listen at street railway crossing contributory negligence as a matter of law.
 - Cawley *v.* La Crosse City Ry. Co. (Wis.), vol. 12, p. 453.
- Horse negligently tied straying off and being run over.
 - Johnson *v.* Stewart (Ark.), vol. 3, p. 651.
- Indifference to approaching car of party injured.
 - Bunyan *v.* Citizens' Ry. Co. (Mo.), vol. 1, p. 246.

- STREET RAILWAYS—Cont'd.**
- Injuries to children.
 - Nelson v. Crescent City R. Co. (La.), vol. 7, p. 192.
 - Injury to boy while crossing in front of moving street car.
 - Henderson v. Detroit Citizens' St. Ry. Co. (Mich.), vol. 10, p. 812.
 - Injury to child at crossing.
 - Consolidated City & C. P. Ry. Co. v. Carlson (Kan.), vol. 7, p. 274.
 - Injury to child, contributory negligence of parents.
 - Cunningham v. Los Angeles Ry. Co. (Cal.), vol. 7, p. 783.
 - Injury to person driving.
 - Laufer v. Bridgeport Traction Co. (Conn.), vol. 7, p. 788.
 - Injury to person on track.
 - Consolidated Traction Co. v. Lambertson (N. J.), vol. 6, p. 793.
 - Instruction where wagon is run over.
 - Highland, etc., R. Co. v. Sampson (Ala.), vol. 5, p. 717.
 - Knowledge of defect in track.
 - Citizens' St. R. Co. v. Sutton (Ind.), vol. 8, p. 772.
 - Liability for injury to child as affected by contributory negligence.
 - Sciortino v. Crescent City R. Co. (La.), vol. 6, p. 526.
 - Liability where sudden act of child by reason of which it was injured.
 - Culbertson v. Crescent City R. Co. (La.), vol. 6, p. 522.
 - No recovery where there was contributory negligence.
 - Brown v. Wilmington City Ry. Co. (Del.), vol. 12, p. 440.
 - Obstructions near track of street railway and failure to signal.
 - Perry v. Macon Consol. St. R. Co. (Ga.), vol. 10, p. 819.
 - Obstruction near track of street railway and failure to signal.
 - Perry v. Macon Consol. St. R. Co. (Ga.), vol. 10, p. 819.
 - Obstruction of track of street railroad by carriage.
 - Camden, etc., Ry. Co. v. Preston (N. J.), vol. 5, p. 616.
 - Of deaf and dumb persons.
 - Buttelli v. Jersey City, etc., Ry. Co. (N. J.), vol. 7, p. 784.
 - Of infant killed by railroad.
 - West Chicago St. Ry. Co. v. Scanlan (Ill.), vol. 9, p. 482.
 - Person using street railway tracks must use ordinary care to avoid collision.
 - Brown v. Wilmington City Ry. Co. (Del.), vol. 12, p. 440.
 - Question for jury.
 - Highland, etc., R. Co. v. Sampson (Ala.), vol. 5, p. 719.
 - Riding on bumper of street car.
 - Bard v. Pennsylvania, etc., R. Co. (Pa.), vol. 5, p. 717.
 - Running in front of moving street car.
 - Perry v. Macon Consol. St. R. Co. (Ga.), vol. 10, p. 819.
 - Special verdict, failing to show that plaintiff was free from contributory negligence.
 - Young v. Citizens' St. R. Co. (Ind.), vol. 5, p. 717.
 - Stopping an electric street car at a dangerous place.
 - Vasele v. Grant Street Electric Ry. Co. (Wash.), vol. 9, p. 75.
 - Stopping vehicle in such close proximity to track that a passing car collided with it.
 - Bedford v. Spokane St. Ry. Co. (Wash.), vol. 6, p. 795.
 - The court will not declare, as a matter of law, that a boy ten years old, who crosses a street car track in a crowd of school children, just released from school, is culpably negligent because he fails to see a street car coming towards him, at a high rate of speed, without the ringing of any bell or other warning.
 - Consolidated City & C. P. Ry. Co. v. Carlson (Kan.), vol. 7, p. 274.
- STREET RAILWAYS—Cont'd.**

STREET RAILWAYS—*Cont'd.* STREET RAILWAYS—*Cont'd.*

The fact that a child may not be capable of contributory negligence does not always render the defendant liable upon the mere proof of the act causing injury.

Culbertson *v.* Crescent City R. Co. (La.), vol. 6, p. 522.

What constitutes.

Boerth *v.* West Side R. Co. (Wis.), vol. 1, p. 264.

Central Pass. R. Co. *v.* Chatterson (Ky.), vol. 1, p. 262.

Cooke *v.* Baltimore Traction Co. (Md.), vol. 1, p. 263.

Cross *v.* California St. Cable R. Co. (Cal.), vol. 1, p. 262.

Daly *v.* Detroit Citizens' St. R. Co. (Mich.), vol. 1, p. 263.

Downey *v.* Pittsburg, A. & M. Traction Co. (Pa.), vol. 1, p. 263.

Hickey *v.* St. Paul City R. Co. (Minn.), vol. 1, p. 263.

Hicks *v.* Citizens' R. Co. (Mo.), vol. 1, p. 262.

McGrath *v.* City & Suburban R. Co. (Ga.), vol. 1, p. 263.

Mitchell *v.* Tacoma R. & M. Co. (Wash.), vol. 1, p. 262.

Trowbrige *v.* Danville St. Car Co. (Va.), vol. 1, p. 263.

Whether contributory negligence to go to door of car while it is in motion for the purpose of being ready to alight.

Consolidated Traction Co. *v.* Thalheimer (N. J.), vol. 9, p. 858.

Crossings.

Care due from company and from drivers of vehicles at street crossings.

Wilson *v.* Minneapolis St. Ry. Co. (Minn.), vol. 12, p. 425.

Care to be exercised by persons at street crossings.

Macon & I. S. Elec. St. Ry. Co. *v.* Holmes (Ga.), vol. 12, p. 385.

Contract between street railways not to cross, save at

certain points, made to prevent competition, is void.

South Chicago City Ry. Co. *v.* Calumet Electric St. Ry. Co. (Ill.), vol. 11, p. 789.

Duty of conductor to keep lookout before car.

Macon & I. S. Ry. Co. *v.* Holmes (Ga.), vol. 12, p. 385.

Duty to look and listen inapplicable to street railways.

Traver *v.* Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.

Evidence, custom of pedestrians crossing street.

Metropolitan St. R. Co. *v.* Johnson (Ga.), vol. 1, p. 267.

Failure to sound gong continuously at crossing not negligence.

Stafford *v.* Chippewa Val. Elec. R. Co. (Wis.), vol. 23, p. 364.

Failure to stop and look before driving over street car track where view is obstructed, contributory negligence.

Darwood *v.* Union Traction Co. (Pa.), vol. 12, p. 474.

Failure to stop, look, and listen before crossing street railways constitutes negligence as a matter of law.

Tacoma Ry. & Power Co. *v.* Hays (C. C. A.), vol. 23, p. 58.

Fright, injuries arising from fright caused by negligence of company, liability.

Mitchell *v.* Rochester Ry. Co. (N. Y.), vol. 8, p. 215.

Mere operation of street car at crossing in such manner as to render it dangerous for person about to cross not negligence.

Stafford *v.* Chippewa Val. Elec. R. Co. (Wis.), vol. 23, p. 364.

Mutual obligations of street railways and travelers to avoid collisions at crossings.

Traver *v.* Spokane St. Ry. Co. (Wash.), vol. 22, p. 759.

- STREET RAILWAYS—Cont'd.**
- Railroad in street not entitled to compensation from street railway company as a condition to crossing its track. *Chicago, B. & O. R. Co. v. Beatrice Rapid Transit, etc., Co. (Neb.)*, vol. 4, p. 325.
 - Respective rights of public and street railway companies at intersecting streets. *Richmond R., etc., Co. v. Garthright (Va.)*, vol. 4, p. 263.
 - Respective rights of trolley car and person driving. *Consolidated Traction Co. v. Haight (N. J.)*, vol. 8, p. 90.
 - Right of priority at intersection of two street railroads. *Chicago City Ry. Co. v. Taylor (Ill.)*, vol. 9, p. 513.
 - Metropolitan St. Ry. Co. v. Kennedy (C. C. A.)*, vol. 9, p. 509.
 - Right of railroad to prevent street railway from crossing its tracks in streets at grade. *Chester Traction Co. v. Philadelphia, W. & B. R. Co. (Pa.)*, vol. 12, p. 428.
 - Right of street railway to build overhead bridge, over right of way of a railroad company. *Northern Cent. R. Co. v. Harrisburg & M. Electric R. Co. (Pa. St.)*, vol. 6, p. 151.
 - Right of street railway to cross railroad. *Northern Cent. R. Co. v. Harrisburg & M. Electric R. Co. (Pa. St.)*, vol. 6, p. 151.
 - Right of way as between cars and vehicles at street crossings. *Smith v. Electric Traction Co. (Pa.)*, vol. 12, p. 422.
 - Right of way at street railway crossings. *New Jersey Electric Ry. Co. v. Miller (N. J.)*, vol. 6, p. 519.
- STREET RAILWAYS—Cont'd.**
- Right to cross other railways. *Southern Ry. Co. v. Atlanta R. T. Co. (Ga.)*, vol. 18, p. 425.
 - Right to cross tracks of steam railroads. *Chicago & Calumet Terminal Railway Co. v. Whiting, Hammond & East Chicago Street Ry. Co. (Ind.)*, vol. 1, p. 181.
 - Steam railroads. *Chicago & Calumet Terminal Ry. Co. v. Whiting, Hammond & East Chicago Street Railway Co. (Ind.)*, vol. 1, p. 181.
 - Citizens' Pass. R. Co. v. East Harrisburg Pass. R. Co. (Pa.)*, vol. 1, p. 189.
 - Stop, look and listen. *Consolidated Traction Co. v. Haight (N. J.)*, vol. 8, p. 90.
 - Hoelzel v. Crescent City R. Co. (La.)*, vol. 8, p. 40.
 - Stop, look and listen not applicable to street railway. *Fairbanks v. Bangor, O. & O. Ry. Co. (Me.)*, vol. 23, p. 756.
 - Traver v. Spokane St. Ry. Co. (Wash.)*, vol. 22, p. 759.
 - Sufficiency of evidence of negligence in rate of speed at crossing. *Stafford v. Chippewa Val. Elec. R. Co. (Wis.)*, vol. 23, p. 364.
 - Test of negligence in rate of speed of street car at crossings. *Stafford v. Chippewa Val. Elec. R. Co. (Wis.)*, vol. 23, p. 364.
 - Damages, for incidental fright where party is injured. *Consolidated Traction Co. v. Lambertson (N. J.)*, vol. 6, p. 793.
 - Definition of "recklessly." *Highland, etc., R. Co. v. Sampson (Ala.)*, vol. 5, p. 715.
 - Derailment of passenger cars, declaration of employee as *res gestæ*. *Electric Ry. Co. v. Carson (Ga.)*, vol. 8, p. 770.

STREET RAILWAYS—*Cont'd.* STREET RAILWAYS—*Cont'd.*

Due care as to foot passenger on part of electric railway.

Thompson *v.* Salt Lake Rapid-Transit Co. (Utah), vol. 10, p. 563.

Duty of city engineer, under contract with municipality to furnish lines and levels.

State, Crescent City R. Co. *v.* Bell, City Engineer (La.), vol. 8, p. 210.

Duty of electric car to give signals of approach.

Consolidated Traction Co. *v.* Chenoweth (N. J.), vol. 5, p. 599.

Eminent domain, exercise of right by street railway company.

Baltimore & Frederickstown Turnpike R. Co. *v.* Baltimore, etc., R. Co. (Md.), vol. 3, p. 177.

Evidence.

As to speed of car.

Cook *v.* Los Angeles & P. Electric Ry. Co. (Cal.), vol. 23, p. 69.

Admissibility of rebutting testimony of employee.

McClellan *v.* Ft. Wayne & B. I. R. Co. (Mich.), vol. 1, p. 266.

Admissibility of evidence showing that before the cable broke directors attention had been called to its weakened state.

Musser *v.* Lancaster City St. Ry. Co. (Pa.), vol. 5, p. 718.

As to causes diverting driver's attention.

McCoy *v.* Milwaukee S. R. Co. (Wis.), vol. 1, p. 267.

As to cause of fright of horse.

Atlanta Consol. St. R. Co. *v.* Beauchamp (Ga.), vol. 1, p. 266.

As to defects in appliance.

Mitchell *v.* Tacoma R. & M. Co. (Wash.), vol. 1, p. 266.

Expert testimony.

McCoy *v.* Milwaukee S. R. Co. (Wis.), vol. 1, p. 267.

Extent of injuries.

Montgomery *v.* Lansing City Electric R. Co. (Mich.), vol. 1, p. 268.

Of employees who have made reports of accident.

Laufer *v.* Bridgeport Traction Co. (Conn.), vol. 7, p. 787.

Variance.

Cincinnati St. R. Co. *v.* Whitcomb (C. C. A.), vol. 1, p. 268.

Examination by doctor, in action for personal injuries.

Holman *v.* Union St. Ry. Co. of Saginaw (Mich.), vol. 9, p. 105.

Expert evidence, testimony of medical experts as to probable duration of disability.

Consolidated Traction Co. *v.* Lambertson (N. J.), vol. 6, p. 793.

Fellow servants.

Brittain *v.* West End St. Ry. Co. (Mass.), vol. 7, p. 773.

Freight, effect on their other powers of illegally conferring upon street car companies authority to become carriers of freight.

Brown *v.* Atlanta Ry. & Power Co. (Ga.), vol. 22, p. 886.

Frightening horses.

Flewelling *v.* Lewiston & A. H. R. Co. (Me.), vol. 6, p. 501.

Frightening horses, care to be exercised in running cars so as not to frighten horses.

McCann *v.* Consolidated Traction Co. (N. J.), vol. 7, p. 280.

Frightening horses, employees hanging their coats on projection of the side of a water sprinkler operated by electricity and thereby frightening horses.

McCann *v.* Consolidated Traction Co. (N. J.), vol. 7, p. 280.

In action against a street railway company to recover for personal injuries the question as to whether the presumption of negligence arising from such injury is successfully rebutted or not is for the jury.

O'Conner *v.* Scranton Traction Co. (Pa.), vol. 6, p. 650.

STREET RAILWAYS—*Cont'd.* STREET RAILWAYS—*Cont'd.*

In action to compel operation, the fact that the line is held under a lease is immaterial.

State ex rel. Grinsfelder v. Spokane St. Ry. Co. (Wash.), vol. 11, p. 62.

Inconsistency between general verdict and special findings.

Ebsery v. Chicago City Ry. Co. (Ill.), vol. 6, p. 794.

Indemnity to street railway company on account of injury resulting from accident, construction of insurance policy.

Phillipsburg Horse Car Co. v. Fidelity & Casualty Co. (Pa.), vol. 2, p. 415.

Injunctions.

Injunction against intersecting trolley lines.

Highland Ave. & B. R. Co. v. Birmingham Ry. & Elec. Co. (Ala.), vol. 9, p. 502.

Philadelphia, W. & B. R. Co. v. Wilmington City Ry. Co. (Del.), vol. 9, p. 493.

Injunction to restrain construction.

Niemann v. Detroit Suburban St. Ry. Co. (Mich.), vol. 1, p. 172.

Power of abutting owners to restrain use of streets.

Beeson v. City of Chicago (U. S.), vol. 5, p. 715.

Power of rival street railway to enjoin illegal construction.

New England R. Co. v. Central Ry. & Elec. Co. (Conn.), vol. 8, p. 261.

Power of rival street railway to enjoin ultra vires act.

New England R. Co. v. Central Ry. & Elec. Co. (Conn.), vol. 8, p. 261.

Private citizen cannot enjoin exercise of corporate powers merely because property was acquired in violation of law.

Brown v. Atlanta Ry. & Power Co. (Ga.), vol. 22, p. 886.

Right to enjoin construction as likely to cause abandonment of line in another street.

Brown v. Atlanta Ry. & Power Co. (Ga.), vol. 22, p. 886.

Sufficiency of petition for injunction to compel removal of trolley pole.

Snyder v. Ft. Madison St. Ry. Co. (Iowa), vol. 11, p. 53.

Unauthorized construction.

Canastota Knife Co. v. Newington Tramway Co. (Conn.), vol. 7, p. 787.

Injuries to passerby by electric wires.

Manning v. West End St. Ry. Co. (Mass.), vol. 6, p. 793.

Injuries to pedestrian by defective arrangement of wires.

Manning v. West End St. Ry. Co. (Mass.), vol. 6, p. 793.

Instructions, evidence in action for injuries.

Atlanta St. R. Co. v. Walker (Ga.), vol. 1, p. 273.

Instructions, in actions for injuries.

Central Pass. R. Co. v. Chattanooga (Ky.), vol. 1, p. 272.

Central R. Co. v. Serfass (Ill.), vol. 1, p. 269.

Cohen v. West Chicago St. R. Co. (C. C. A.), vol. 1, pp. 268, 271.

Doyle v. West End St. R. Co. (Mass.), vol. 1, p. 273.

McCoy v. Milwaukee S. R. Co. (Wis.), vol. 1, p. 273.

Mitchell v. Tacoma, R. & M. Co. (Wash.), vol. 1, pp. 269, 270.

Omaha St. R. Co. v. Duvall (Neb.), vol. 1, p. 269.

Philadelphia Traction Co. v. Lightcap (C. C. A.), vol. 1, p. 271.

Redford v. Spokane St. R. Co. (Wash.), vol. 1, p. 273.

Riley v. Salt Lake R. T. Co. (Utah), vol. 1, p. 271.

Investigation of cause of derailment, declarations of employee as *res gestæ*.

Electric Ry. Co. v. Carson (Ga.), vol. 8, p. 770.

Joint action against city and railroad company on account of defective track.

City of Fort Worth v. Allen (Tex. Civ. App.), vol. 1, p. 282.

STREET RAILWAYS—*Cont'd.* STREET RAILWAYS—*Cont'd.*

Judgment for personal injuries.

Fidelity Loan & Trust Co. *v.* Douglas (Iowa), vol. 9, p. 713.

Law of the road.

Flewelling *v.* Lewiston & A. H. R. Co. (Me.), vol. 6, p. 501.

Liability for personal injury from broken trolley wire, in moving disabled car.

Schenkel *v.* Pittsburg & B. Traction Co. (Pa.), vol. 22, p. 904.

Liability of lessor for injury caused by defective track.

Schaefer *v.* City of Fond du Lac (Wis.), vol. 11, p. 342.

Local assessments, power to assess street railways for improvements.

Cicero & P. St. Ry. Co. *v.* City of Chicago (Ill.), vol. 22, p. 815.

Location, former appeal not cause for abatement of latter appeal.

Appeal of Cherryfield & M. Elec. R. Co. (Me.), vol. 22, p. 906.

Lookouts, motorman looking in another direction.

Harkins *v.* Pittsburg, A. & M. Traction Co. (Pa.), vol. 3, p. 430.

Master and servant, repeal of act enlarging the liability of domestic corporations to their servants by constitutional provisions declaring that no foreign corporations shall enjoy any greater rights or privileges than those enjoyed by domestic corporation.

Crisswell *v.* Montana Cent. R. Co. (Mont.), vol. 3, p. 652.

Maximum speed.

Laufer *v.* Bridgeport Traction Co. (Conn.), vol. 7, p. 787.

Mortgage on chattel property of street railroad.

Hinchman *v.* Point Defiance R. Co. (Wash.), vol. 4, p. 264.

Municipal Corporations.

Corporate powers granted without municipal consent.

Brown *v.* Atlanta Ry. & Power Co. (Ga.), vol. 22, p. 886.

Delegation of municipal power to open street.

Florida Cent. & P. R. Co. *v.* Ocala St. & S. R. Co. (Fla.), vol. 7, p. 686.

Grant of exclusive privileges by municipal corporation.

Detroit Citizens' Street Railway Co. *v.* City of Detroit (Mich.), vol. 5, p. 15.

May require increase in number of cars.

People *v.* Detroit Citizens' St. Ry. Co. (Mich.), vol. 11, p. 798.

Municipal consent to route.

State *v.* Mayor, etc., of Newark (N. J.), vol. 1, p. 176.

Municipal control of streets, tearing up street railways.

Des Moines City Ry. Co. *v.* City of Des Moines (Iowa), vol. 1, p. 215.

Municipality must determine number of tracks.

State *v.* Mayor, etc., of Newark (N. J.), vol. 1, p. 176.

Municipal officers vested with discretionary powers with respect to the location of street railways.

Appeal of Cherryfield & M. Elec. R. Co. (Me.), vol. 22, p. 906.

Ordinance impairing company's franchises.

State Consolidated Traction Co. *v.* City of Elizabeth (N. J.), vol. 3, p. 614.

Permission to construct street railway must be strictly followed.

State (Cape May, etc., Prosecutor), *v.* City of Cape May (N. J.), vol. 3, p. 592.

Power of city to impose penalty upon street railway for violation of ordinance.

People *v.* Detroit Citizens' St. Ry. Co. (Mich.), vol. 11, p. 798.

Power of council to demand additional sum for franchise.

Beekman *v.* Third Ave. R. Co. (N. Y.), vol. 8, p. 23.

Power of municipality to grant franchise.

Sun Printing, etc., Ass'n *v.* Mayor of New York (N. Y.), vol. 8, p. 771.

- STREET RAILWAYS—Cont'd.**
- Power of municipality to require conductors on cars. State ex rel. Columbia Electric St. Ry., Light & Power Co. v. Sloan, Mayor (S. Car.), vol. 9, p. 44.
 - Power to pass ordinance in conflict with prior one. Brown v. Atlanta Ry. & Power Co. (Ga.), vol. 22, p. 886.
 - Right of local authority to limit duration of street grant. Louisville Trust Co. v. City of Cincinnati (C. C. A.), vol. 6, p. 114.
 - Right to construct railway conferred by ordinance. State (Cape May, etc., Prosecutor) v. City of Cape May (N. J.), vol. 3, p. 592.
 - Mutual rights of company and citizens. North Jersey St. Ry. Co. v. Schwartz (N. J.), vol. 22, p. 620.
 - Nature and duration of rights granted them. Detroit Citizens' St. Ry. Co. v. City of Detroit (C. C. A.), vol. 1, p. 71.
 - Necessity of consent to regulations as to use of street and construction, maintenance and operation of road. State v. Commissioners of Streets (N. J.), vol. 10, p. 323.
 - Negligence, a question for jury where child was injured by street car. Reilly v. Philadelphia Traction Co. (Pa.), vol. 5, p. 399.
 - Negligence immaterial variance. Cincinnati St. R. Co. v. Whitcomb (U. S.), vol. 1, p. 268.
 - Negligence of electric railways with respect to wires. Atlanta Consol. St. Ry. Co. v. Owings (Ga.), vol. 5, p. 1.
 - Negligence, sufficiency of facts. Flanagan v. People's Pass. R. Co. (Pa. St.), vol. 1, p. 268.
- STREET RAILWAYS—Cont'd.**
- Negligence, where one is injured by the breaking of a wire cable, question for jury. Musser v. Lancaster City St. Ry. Co. (Pa.), vol. 5, p. 719.
 - New franchise not subject to old conditions regulating manner of operating cars. Stafford v. Chippewa Val. Elec. R. Co. (Wis.), vol. 23, p. 364.
 - New York statute as to sale of franchises. Beekman v. Third Ave. R. Co. (N. Y.), vol. 8, p. 23.
 - Occupancy of another's tracks. Crescent City R. Co. v. New Orleans & C. R. Co. (La.), vol. 4, p. 402.
 - Occupancy of street as abutter's licensee no defense to action to compel operation where possession has been undisturbed. State ex rel. Grinsfelder v. Spokane St. Ry. Co. (Wash.), vol. 11, p. 62.
 - Ordinance construed to permit only the operation of street railways and not to authorize the operation of an ordinary railroad in the streets. Tallon v. Mayor, etc., of City of Hoboken (N. J.), vol. 7, p. 545.
 - Ordinance in respect to speed of street car. Hall v. Ogden City St. Ry. Co. (Utah), vol. 4, p. 77.
 - State v. City of Cape May (N. J.), vol. 6, p. 507.
 - Overhead crossing, where street railway intersects with railroad. Delaware & H. Canal Co. v. Scranton & P. Traction Co. (Pa.), vol. 7, p. 537.
 - Ownership by city. Sun Printing, etc., Ass'n v. Mayor of New York (N. Y.), vol. 8, p. 771.
 - Parallel lines, necessity of. In re Shelton St. Ry. Co. (Conn.), vol. 9, p. 186.
 - Paramount right of street railway company to use of street. Potter v. Scranton Traction Co. (Pa.), vol. 4, p. 307.

STREET RAILWAYS—*Cont'd.* STREET RAILWAYS—*Cont'd.*

Passengers.

Alighting from moving car.

Boikens *v.* New Orleans,
etc., R. Co. (La. Ann.),
vol. 4, p. 260.

Brown *v.* Seattle City Ry.
Co. (Wash.), vol. 9, p.
859.

Attempting to board moving
train.

Omaha St. Ry. Co. *v.*
Martin (Neb.), vol. 4,
p. 1.

Boarding car in motion.

Cicero & Proviso St. R.
Co. *v.* Meixner (Ill.), vol.
4, p. 246.

North Chicago St. Ry. Co.
v. Wiswell (Ill.), vol. 9,
p. 377.

Schepers *v.* Union Depot
R. Co. (Mo.), vol. 2, p. 9.

Burden of proof where pas-
senger is injured.

Chicago City Ry. Co. *v.*
Rood (Ill.), vol. 7, p.
784.

By-law requiring that each
passenger shall either de-
liver up his ticket or pay
the fare legally demandable
not unreasonable.

Hanks *v.* Bridgman
(Eng.), vol. 3, p. 656.

Care required in regard to
safety of passengers.

Nichols *v.* Lynn & B. R.
Co. (Mass.), vol. 9, p.
844.

Car starting before passenger
has gotten upon it, throw-
ing and injuring him.

Miller *v.* St. Paul, etc.,
Ry. Co. (Minn.), vol. 5,
p. 718.

Carrying passenger past des-
tination, injuries while
walking back.

Young *v.* Camden, etc., R.
Co. (N. J.), vol. 8, p.
768.

Construction of franchise as
to fares.

Beekman *v.* Third Ave.
R. Co. (N. Y.), vol. 8,
p. 23.

Contributory negligence in
boarding moving car.

Schepers *v.* Union Depot
Railroad Co. (Mo.), vol.
2, p. 9.

Degree of care required of
passenger.

West Chicago St. Ry. Co.
v. Manning (Ill.), vol. 9,
p. 364.

Derailment of cars, presump-
tion of negligence.

Electric Ry. Co. *v.* Carson
(Ga.), vol. 8, p. 769.

Duty of company, accumu-
lation of mud on steps of
street car.

Louisville R. Co. *v.* Park
(Ky.), vol. 2, p. 212.

Duty to continue operation of
line.

State ex rel. Grinsfelder
v. Spokane St. Ry. Co.
(Wash.), vol. 11, p. 62.

Duty to passenger.

Cronan *v.* Crescent City
R. Co. (La.), vol. 6, p.
225.

Louisville R. Co. *v.* Park
(Ky.), vol. 2, p. 212.

Sullivan *v.* Jefferson Ave.
R. Co. (Mo.), vol. 3, p.
431.

Duty to stop at crossing.

Jackson Elec. Ry., Light &
Power Co. *v.* Lowry
(Miss.), vol. 23, p. 103.

Evidence of appearance of
injured passenger before
and after accident.

West Chicago St. R. Co.
v. Kennedy-Cahill (Ill.),
vol. 6, p. 794.

Evidence of custom as to
number of employees operat-
ing street car inadmissible.
Redfield *v.* Oakland Consol-
idated St. R. Co. (Cal.),
vol. 3, p. 430.

Expulsion of drunken passen-
ger.

Edgerly *v.* Union St. R. Co.
(N. H.), vol. 6, p. 795.

Expulsion of passengers, li-
ability where conductor re-
fused to receive legal coin.

Atlanta Consol. St. R. Co.
v. Keeny (Ga.), vol. 5,
p. 305.

Failure to place signal at
switch as affecting liability
for injury to passenger.

Bailey *v.* Tacoma Trac-
tion Co. (Wash.), vol. 6,
p. 795.

How relationship established.

Schepers *v.* Union Depot
R. Co. (Mo.), vol. 2, p. 9.

- STREET RAILWAYS—Cont'd.**
- Injuries to passengers, evidence.
 - West Chicago St. Ry. Co. v. Kennelly (Ill.), vol. 9, p. 359.
 - Injury by appliance on street car.
 - Bowdle v. Detroit St. R. Co. (Mich.), vol. 2, p. 223.
 - Injury to car passenger at railroad crossing where concurring negligence.
 - Washington & G. R. Co. v. Hickey (D. C.), vol. 9, p. 865.
 - Injury to passenger alighting at unsafe place in street.
 - Conway v. Lewiston & Auburn Horse R. Co. (Me.), vol. 2, p. 339.
 - Injury to passenger alighting from moving street car.
 - New Jersey Traction Co. v. Gardner (N. J.), vol. 9, p. 843.
 - Injury to passenger alighting on rolling stone.
 - Conway v. Lewiston, etc., R. Co. (Me.), vol. 8, p. 769.
 - Injury to passenger through failure to stop.
 - White v. West End St. R. Co. (Mass.), vol. 3, p. 636.
 - Injury to passenger through negligence.
 - Cronan v. Crescent City R. Co. (La.), vol. 6, p. 225.
 - Instructions as to care of passengers.
 - West Chicago St. R. Co. v. McNulty (Ill.), vol. 9, p. 255.
 - Instruction not submitting defendant's negligence, in action for injury to alighting passenger.
 - Foley v. Brunswick Traction Co. (N. J.), vol. 23, p. 621.
 - Inviting passenger to alight at night at dangerous place is negligence.
 - Sowash v. Consolidated Traction Co. (Pa.), vol. 12, p. 124.
 - Jerks and jars.
 - Chicago City Ry. Co. v. Densmore (Ill.), vol. 6, p. 794.
- STREET RAILWAYS—Cont'd.**
- Jumping from moving car, contributory negligence.
 - Jagger v. People's St. Ry. Co. (Pa.), vol. 8, p. 771.
 - Liability for injuries suffered by passenger in collision.
 - Goorin v. Allegheny Traction Co. (Pa.), vol. 9, p. 864.
 - Lurch or jerk of street car as negligence.
 - Consolidation Traction Co. v. Thalheimer (N. J.), vol. 9, p. 858.
 - Negligence in boarding electric car is question of fact.
 - Cicero & Proviso St. R. Co. v. Meixner (Ill.), vol. 4, p. 246.
 - Negligence in construction of line.
 - Erslew v. New Orleans & N. E. R. Co. (La.), vol. 6, p. 436.
 - Negligence in operation.
 - West Chicago St. R. Co. v. Annis (Ill.), vol. 6, p. 793.
 - Negligence of company question for jury where passenger riding on platform is injured by sudden jerk of car.
 - Bradley v. Second Ave. R. Co. (N. Y.), vol. 12, p. 184.
 - Negligence of company when passenger is attempting to alight.
 - Nichols v. Lynn & B. R. Co. (Mass.), vol. 9, p. 844.
 - Negligence resulting in injury to passenger, question for jury.
 - Chicago City Ry. Co. v. Densmore (Ill.), vol. 6, p. 794.
 - Overcrowding street cars is negligence.
 - Richmond R., etc., Co. v. Garthright (Va.), vol. 4, p. 257.
 - Passenger alighting from wrong side of car.
 - West Chicago St. Ry. Co. v. Manning (Ill.), vol. 9, p. 364.
 - Passenger becomes a traveler when he steps upon the highway from the car.
 - Smith v. City & Suburban Ry. Co. (Ore.), vol. 5, p. 163.

STREET RAILWAYS—*Cont'd.* STREET RAILWAYS—*Cont'd.*

- Passenger burnt in street car.
 Sullivan *v.* Jefferson Ave. R. Co. (Mo.), vol. 3, p. 431.
 Passenger injured by sudden movement of the car.
 Dixey *v.* Philadelphia Traction Co. (Pa.), vol. 8, p. 294.
 Passenger thrown from car by sudden jerk.
 Etson *v.* Ft. Wayne, etc., Ry. Co. (Mich.), vol. 5, p. 718.
 Payment of fare, action for injury.
 West Chicago St. Ry. Co. *v.* Manning (Ill.), vol. 9, p. 364.
 Person alighting from street car, passing behind it, and starting across parallel track without looking to see if another car was approaching.
 Baltimore Traction Co. *v.* Helms (Md.), vol. 6, p. 651.
 Platforms, allowing boys to ride on.
 Cronan *v.* Crescent City R. Co. (La.), vol. 6, p. 225.
 Power of municipality to require conductors on cars.
 State ex rel. Columbia Electric St. Ry., Light & Power Co. *v.* Sloan, Mayor (S. Car.), vol. 9, p. 44.
 Presumption of negligence.
 Whalen *v.* Consolidated Traction Co. (N. J.), vol. 11, p. 207.
 Presumption of negligence where passenger was injured in collision between street car and wagon.
 Harrison *v.* Sutter St. Ry. Co. (Cal.), vol. 23, p. 809.
 Presumption where deceased stepped from one street car in ample time to have crossed parallel track and to have avoided another car coming in opposite direction.
 Evansville St. R. Co. *v.* Gentry (Ind.), vol. 5, p. 500.
 Profanity.
 Robinson *v.* Rockland, T. & C. St. R. Co. (Me.), vol. 2, p. 160.
 Proximate cause, death following from accident, and premature birth of child.
 Brashear *v.* Philadelphia Traction Co. (Pa.), vol. 6, p. 795.
 Punitive damages for malicious assault by conductor on passenger.
 Lexington Ry. Co. *v.* Cozine (Ky.), vol. 23, p. 624.
 Reasonableness of by-law requiring passenger to show ticket.
 Hanks *v.* Bridgman (Eng.), vol. 3, p. 656.
 Riding on front platform of street car not conclusive evidence of contributory negligence.
 Bradley *v.* Second Ave. R. Co. (N. Y.), vol. 12, p. 184.
 Riding on platform.
 Watson *v.* Portland & G. E. Ry. Co. (Me.), vol. 11, p. 194.
 Riding on platform or step of street car.
 Bailey *v.* Tacoma Traction Co. (Wash.), vol. 6, pp. 794, 795.
 Mann *v.* Philadelphia Traction Co. (Pa. St.), vol. 4, p. 260.
 Riding on platform or step of street car, whether contributory negligence per se.
 East Omaha St. R. Co. *v.* Godola (Neb.), vol. 7, p. 300.
 Riding on running board, contributory negligence.
 Hassen *v.* Nassau Elec. R. Co. (N. Y.), vol. 12, p. 1.
 Riding on step.
 Whalen *v.* Consolidated Traction Co. (N. J.), vol. 11, p. 207.
 Running car at high rate of speed past its usual stopping place.
 Denver & B. P. R. Co. *v.* Dwyer (Colo.), vol. 2, p. 185.
 Running car with platform crowded with passengers at high rate of speed around a curve.
 Reber *v.* Pittsburg & B. Traction Co. (Pa.), vol. 7, p. 786.

STREET RAILWAYS—*Cont'd.* STREET RAILWAYS—*Cont'd.*

- Speed of train, injury to passenger alighting.
Hardy v. Milwaukee St. R. Co. (Wis.), vol. 2, p. 223.
- Street railway may be required by city to increase number of cars, where its motive power has been changed, although ordinance granting its franchise fixes another number.
People v. Detroit Citizens' St. Ry. Co. (Mich.), vol. 11, p. 798.
- Sudden jerk.
Sirk v. Marion St. R. Co. (Ind.), vol. 2, p. 223.
- Sudden jerk of car injuring passenger riding on running board, negligence.
Hassen v. Nassau Elec. R. Co. (N. Y.), vol. 12, p. 1.
- Tender of \$5 by passenger as fare.
Barker v. Central Park, N. & E. R. Co. (N. Y.), vol. 6, p. 686.
- Transfer, changing method of transfer without notice to passengers.
Consolidated Traction Co. v. Taborn (N. J.), vol. 2, p. 124.
- Transfer, conditions.
Dennis v. Pittsburgh & C. S. R. Co. (Pa. St.), vol. 2, p. 110.
- Transfer, decision of conductor on validity of transfer ticket.
Dennis v. Pittsburgh & C. S. R. Co. (Pa. St.), vol. 2, p. 108.
- Unreasonable rule against backing cars to receive passengers at crossing.
Jackson Electric Ry., Light & Power Co. v. Lowry (Miss.), vol. 23, p. 103.
- What will constitute wrongful ejection.
Consolidated Traction Co. v. Taborn (N. J.), vol. 2, p. 124.
- Where question whether ordinance requiring increased number of cars is oppressive is undecided, it must be tested before relief will be afforded.
People v. Detroit Citizens' St. Ry. Co. (Mich.), vol. 11, p. 798.
- Whether a railroad can be compelled to construct and operate its lines on all of the streets of which it was granted that privilege.
San Antonio St. R. Co. v. State ex rel. Elmendorf (Tex.), vol. 6, p. 658.
- Who are passengers.
Schepers v. Union Depot R. Co. (Mo.), vol. 2, p. 9.
West Chicago St. Ry. Co. v. Manning (Ill.), vol. 9, p. 364.
- Power of state authorities to grant the right to use the streets to a street railroad.
Beekman v. Third Ave. R. Co. (N. Y.), vol. 8, p. 23.
- Powers governed by amendment of act granting franchises.
Ruckert v. Grand Ave. Ry. Co. (Mo.), vol. 22, p. 641.
- Presumption of reasonableness of ordinance regulating street railway.
State Consolidated Traction Co. v. City of Elizabeth (N. J.), vol. 3, p. 614.
- Ratification of charter granted in violation of law, statute.
Brown v. Atlanta Ry. & Power Co. (Ga.), vol. 22, p. 886.
- Reasonableness of ordinance regulating.
State Consolidated Traction Co. v. City of Elizabeth (N. J.), vol. 3, p. 614.
- Rebutting denial of employee on cross-examination.
McClellan v. Ft. Wayne & B. I. R. Co. (Mich.), vol. 1, p. 266.
- Right of abutter to damages from construction and operation not increased by Mo. Rev. St. 1889, § 1616.
Ruckert v. Grand Ave. Ry. Co. (Mo.), vol. 22, p. 641.
- Right of abutting owners to enjoin the location of a street railway within the limits of a public way.
Taylor v. Portsmouth K. & Y. St. Ry. (Me.), vol. 10, p. 215.
- Right to use tracks of another company.
Toledo Consolidated Ry. Co. v. Toledo Elec. St. Ry. Co. (Ohio), vol. 1, p. 230.

STREET RAILWAYS—*Cont'd.*

Right under agreement to temporarily use track at crossing.

Port Richmond & P. P. El.

R. Co. *v.* Staten Island R.

T. Co. (N. Y.), vol. 1, p. 229.

Specific performance of contract to supply electric power to street railroad.

Electric Lighting Co. *v.*

Mobile, etc., R. Co. (Ala.),

vol. 4, p. 265.

Speed of train, nonexpert testimony.

Highland, etc., Ry. Co. *v.*

Sampson (Ala.), vol. 5, p.

720.

Speed of train, violation of city ordinance.

Highland, etc., Ry. Co. *v.*

Sampson (Ala.), vol. 5, p.

720.

Stations, duty to provide.

Wilson *v.* Duluth Street R.

Co. (Minn.), vol. 4, p. 53.

Streets and Highways.

Authority to grant use of public streets of a city primarily resides in the city.

Beekman *v.* Third Ave. R.

Co. (N. Y.), vol. 8, p. 23.

Capacity of street railroads to accept limited street grant.

Louisville Trust Co. *v.* City

of Cincinnati (C. C. A.),

vol. 6, p. 114.

Company liable for damages caused by change of grade.

Stritesky *v.* City of Cedar

Rapids (Iowa), vol. 4, p.

535.

Conditions subsequent with respect to time of construction of road unfulfilled, forfeiture of municipal grant.

State ex rel. Baltimore, C.

& P. B. R. Co. *v.* Latrobe

(Md.), vol. 1, p. 118.

Discretion of court to grant interlocutory injunction which would interfere with public improvement, where no part of property of applicant is actually taken.

Brown *v.* Atlanta Ry. &

Power Co. (Ga.), vol.

22, p. 886.

Duty to pave streets.

City of Philadelphia *v.*

Hestonville, etc., R. Co.

(Pa.), vol. 5, p. 659.

Duty to repair streets be-

STREET RAILWAYS—*Cont'd.*

tween rails.

Bangs *v.* Lewiston, etc.,

R. Co. (Me.), vol. 7, p. 786.

Evidence of failure to cross

track to avoid obstruction.

Cincinnati St. R. Co. *v.*

Whitcomb (C. C. A.),

vol. 1, p. 267.

Expense of change of motive power, city not estopped to deny rightful occupation of street.

Louisville Trust Co. *v.* City

of Cincinnati (C. C. A.),

vol. 6, p. 114.

Extension of road beyond city limits, how right acquired.

Citizens' Elec., etc., Co. *v.*

County Com'rs (Ohio),

vol. 8, p. 769.

Failure to repair tracks.

Bangs *v.* Lewiston, etc., R.

Co. (Me.), vol. 7, p. 785.

Implied condition as to use of street.

Southern Ry. Co. *v.* At-

lanta R. T. Co. (Ga.),

vol. 18, p. 425.

Laying tracks in center of street.

Kennedy *v.* Detroit R. Co.

(Mich.), vol. 3, p. 430.

Mandamus to compel street railways to pave.

City of Lansing *v.* Lan-

sing, etc., Ry. Co.

(Mich.), vol. 5, p. 719.

Obligation of railroad to keep track and street adjoining in repair.

City of Fort Worth *v.* Allen

(Tex. Civ. App.), vol. 1,

p. 282.

Recovery by city over against street railway for damages

arising from defective track.

City of Fort Worth *v.* Allen

(Tex. Civ. App.), vol. 1,

p. 282.

Repaving streets.

City of Lansing *v.* Lansing,

etc., Ry. Co. (Mich.),

vol. 5, p. 719.

Right in highways.

White *v.* Worcester Consol.

St. R. Co. (Mass.), vol.

6, p. 110.

Right of abutting owners to sue jointly where unlawful construction of street railway.

Younkin *v.* Milwaukee, L.

H. & T. Co. (Wis.), vol.

23, p. 500.

- STREET RAILWAYS—Cont'd.**
- Right of street railway company in public street.
 - Hall *v.* Ogden City St. Ry. Co. (Utah), vol. 4, p. 77.
 - Rights of rival street railway companies in public highway.
 - West Jersey Traction Co. *v.* Camden Horse R. Co. (N. J.), vol. 1, p. 133.
 - To what kinds Act March 26, 1887, § 2, of Mo., relating to the granting of street railway franchises and providing that city authorities shall by ordinance designate the route, is applicable.
 - Ruckert *v.* Grand Ave. Ry. Co. (Mo.), vol. 22, p. 641.
 - Track raised above pavement.
 - Taylor *v.* Bay City St. Ry. Co. (Mich.), vol. 1, p. 166.
 - Use of bridge by railway company, consent of proper authorities.
 - Berks Co. *v.* Reading City Pass. R. Co. (Pa. St.), vol. 1, p. 213.
 - State *v.* Freeholders of Cumberland Co. (N. J.), vol. 1, p. 213.
 - Use of turnpike by street railway.
 - Green *v.* City & Suburban Ry. Co. (Md.), vol. 1, p. 198.
 - Street railway company entitled to hearing before enactment of ordinance providing for summary removal of its tracks.
 - State (Cape May, etc., Prosecutor), *v.* City of Cape May (N. J.), vol. 3, p. 592.
 - Street railway company not liable for negligence of independent contractor.
 - Sanford *v.* Pawtucket Street Ry. Co. (R. I.), vol. 4, p. 318.
 - Street railways, ordinance regulating right of way at street railway crossing.
 - Connor *v.* Electric Traction Co. (Pa. St.), vol. 4, p. 262.
 - Sufficiency of evidence of negligence where a person was injured by fallen trolley wires.
 - Bamford *v.* Pittsburgh & B. Traction Co. (Pa.), vol. 22, p. 798.
- STREET RAILWAYS—Cont'd.**
- Taxation.**
 - Construction of Ill. Rev. St. 1893, ch. 120, § 15, providing that street railway tracks shall be treated as personal property for purposes of taxation.
 - Cicero, etc., Ry. Co. *v.* City of Chicago (Ill.), vol. 22, p. 815.
 - Franchise as part of roadbed, and therefore to be treated as personal property under Mich. Tax Law, § 8, subd. 16.
 - City of Detroit *v.* Donovan (Mich.), vol. 23, p. 520.
 - Proper remedy to restrain collection of personal tax against street railway company by seizure of its cars under Michigan statute, preventing interference with valuable franchise.
 - City of Detroit *v.* Donovan (Mich.), vol. 23, p. 520.
 - Rolling stock as personal property under Michigan tax law.
 - City of Detroit *v.* Donovan (Mich.), vol. 23, p. 520.
 - Use of toll bridge by street railway does not constitute an exercise of the right of eminent domain.
 - Pittsburgh & West End Pass. Ry. Co. *v.* Point Bridge Co. (Pa.), vol. 1, p. 209.
 - Use of tracks of another company.
 - Colonial City Traction Co. *v.* Kingston City R. Co. (N. Y.), vol. 9, p. 506.
 - Validity of city ordinance granting franchise.
 - Santa Rosa City Ry. Co. *v.* Central St. Ry. Co. (Cal.), vol. 1, p. 105.
 - Validity of ordinance amending a former ordinance permitting the use of double tracks through the streets and limiting the rights of the company to one track for a short distance in a certain very crowded and narrow street.
 - Mayor, etc., of City of Baltimore *v.* Baltimore Trust & Guarantee Co. (U. S.), vol. 7, p. 624.

STREET RAILWAYS—*Cont'd.* STREETS AND HIGHWAYS

Validity of purchase of consent of abutting owners to construction.

Doane *v.* Chicago City Ry. Co. (Ill.), vol. 6, p. 792.

Where one is injured by the braking of a wire cable, question for jury.

Musser *v.* Lancaster City St. Ry. Co. (Pa.), vol. 5, p. 719.

Whether "railroad" includes street railway.

Massachusetts L. & T. Co. *v.* Hamilton (C. C. A.), vol. 11, p. 771.

Whether street railways are commercial railroads.

Fidelity Loan & Trust Co. *v.* Douglas (Iowa), vol. 9, p. 713.

Whether street railways are railroads, construction of Const. Cal., art. 12, § 22.

Board of Railroad Com'rs *v.* Market St. Ry. Co. (Cal.), vol. 23, p. 21.

STREETS AND HIGHWAYS.

See Bridges.

Crossings.

Elevated Railroads.

Highways.

Railroads.

Railroads in Streets.

Stations and Depots.

Street Railways.

Abandonment by street railway.

Taylor *v.* Chicago, M. & St. P. R. Co. (Wis.), vol. 1, p. 170.

Abatement of railroad as a nuisance.

Alabama & V. R. Co. *v.* Bloom (Miss.), vol. 1, p. 28.

Abutter's right to compensation where tracks are laid in streets.

Lewis *v.* Pennsylvania R. Co. (N. J.), vol. 3, p. 413.

Additional Servitude.

Willamette Iron Works *v.* Oregon Railway & Navigation Co. (Ore.), vol. 1, p. 36.

Distinction between misuse and appropriation.

Union Pac. R. Co. *v.* Foley (Colo.), vol. 1, p. 62.

Private steam railway in street.

Gustafson *v.* Hamm (Minn.), vol. 1, p. 45.

—*Continued.*

Rights of abutting owner where railroad is in street.

Atchison, T. & S. F. R. Co. *v.* Davidson (Kan.), vol. 1, p. 61.

Temporary obstructions.

Atchison, T. & S. F. R. Co. *v.* Arnold (Kan.), vol. 1, p. 61.

Chesapeake & O. Ry. Co. *v.* Kobs (Ky.), vol. 1, p. 61.

Evans *v.* Chicago, St. P., M. & O. R. Co. (Wis.), vol. 1, p. 61.

Test of.

Gustafson *v.* Hamm (Minn.), vol. 1, p. 43.

What is an additional servitude.

Willamette Iron Works *v.* Oregon Railway & Navigation Co. (Ore.), vol. 1, p. 36.

Whether carrying of freight by railroad and street railroads is an additional servitude.

Montgomery *v.* Santa Ana & W. R. Co. (Cal.), vol. 1, p. 44.

Alteration of streets by railroad company under municipal authority as a taking of land.

State *v.* Mayor of New Brunswick (N. J.), vol. 3, p. 170.

Authority of municipality to authorize railroad company to alter streets.

State *v.* Mayor of New Brunswick (N. J.), vol. 3, p. 170.

Authority of municipality to condemn railroad land for street purposes.

Illinois Central R. Co. *v.* City of Chicago (Ill.), vol. 3, p. 181.

Authority to lay track in street, extent of grant.

Evans *v.* Chicago, St. P., M. & O. R. Co. (Wis.), vol. 1, p. 27.

Authority to use streets, duly given, is a binding contract upon city, if acted upon.

City of Belleville *v.* Citizens' Horse Ry. Co. (Ill.), vol. 1, p. 26.

Bona fide purchaser entitled to order enjoining laying of additional track.

Varwig *v.* Cleveland, C., C. & St. L. R. Co. (Ohio), vol. 4, p. 265.

STREETS AND HIGHWAYS

—Continued.

Closing streets.

Cullen *v.* New York, N. H. & H. R. Co. (Conn.), vol. 3, p. 453.

Condemnation of land of railroad not used for train service. Chicago & Northwestern R. Co. *v.* City of Chicago (Ill.), vol. 3, p. 199.

Condemnation of railroad lands for street purposes.

Chicago & N. W. R. Co. *v.* Cicero (Ill.), vol. 3, p. 187.

Conditional dedication.

State ex rel. Grinsfelder *v.* Spokane St. Ry. Co. (Wash.), vol. 11, p. 62.

Consent of municipality to railroads in streets.

Pennsylvania Schuylkill Val. R. Co. *v.* Philadelphia & R. R. Co. (Pa.), vol. 1, p. 26.

Construction of bridge across intersecting streets.

Jones *v.* Erie & Pennsylvania R. Co. (Pa.), vol. 3, p. 18.

Construction of grant.

Com. ex rel. Hensel, Atty. Gen., *v.* Union Pass. R. Co. (Pa.), vol. 1, p. 99.

Construction of statute granting exclusive privilege of the use of streets.

Detroit Citizens' Street Railway Co. *v.* City of Detroit (Mich.), vol. 5, p. 15.

Control of streets.

Bobira *v.* New Orleans & C. R. Co. (La.), vol. 1, p. 220.

Newark Pass. Ry. Co. *v.* Inhabitants of East Orange (N. J.), vol. 1, p. 219.

Crossings.

Action to compel construction of, pleading.

Evansville & T. H. R. Co. *v.* State ex rel. Town of Ft. Branch (Ind.), vol. 11, p. 278.

Burden of proof as to existence.

Evansville & T. H. R. Co. *v.* State ex rel. Town of Ft. Branch (Ind.), vol. 11, p. 278.

Duty of railroad company to construct as dependent on fixing of street grade by city. Evansville, etc., Ry. Co. *v.* State ex rel. Town of Ft. Branch (Ind.), vol. 11, p. 278.

—Continued.

Implied dedication.

Evansville & T. H. R. Co. *v.* State ex rel. Town of Ft. Branch (Ind.), vol. 11, p. 278.

Damages.

Additional servitude.

Willamette Iron Works *v.* Oregon Railway & Navigation Co. (Ore.), vol. 1, p. 36.

Additional servitude, measure of damages in action by abutter.

Chesapeake & O. Ry. Co. *v.* Kobs (R. I.), vol. 1, p. 64.

Griffin *v.* Jacksonville, T. & K. W. R. Co. (Fla.), vol. 1, p. 64.

Johnsen *v.* Old Colony R. Co. (R. I.), vol. 1, p. 63.

Maysville & B. S. R. Co. *v.* Ingram (Ky.), vol. 1, p. 63.

Maysville & B. F. R. Co. *v.* Conner (Ky.), vol. 1, p. 63.

Wolff *v.* Georgia & F. R. Co. (Ga.), vol. 1, p. 64.

Extension of street across right of way.

City of Terre Haute *v.* Evansville, etc., R. Co. (Ind.), vol. 8, p. 759.

Paterson, N. & N. Y. R. Co. *v.* Mayor, etc., of City of Newark (N. J.), vol. 10, p. 182.

Measure of damages where land is condemned for street purposes.

Chicago & Northwestern R. Co. *v.* Town of Cicero (Ill.), vol. 3, p. 206.

Duty of street railways to pave streets.

City of Philadelphia *v.* Hestonville, etc., R. Co. (Pa.), vol. 5, p. 659.

Exclusive right to use of streets.

Goodrich *v.* Burlington, C. R. & N. Ry. Co. (Iowa), vol. 10, p. 719.

Extension of street across railroad.

Chicago, M. & St. P. Ry. Co. *v.* City of Milwaukee (Wis.), vol. 9, p. 537.

City of Detroit *v.* Detroit, G. H. & M. Ry. Co. (Mich.), vol. 8, p. 117.

City of Terre Haute *v.* Evansville, etc., R. Co. (Ind.), vol. 8, p. 759.

STREETS AND HIGHWAYS

STREETS AND HIGHWAYS STREETS AND HIGHWAYS

—Continued.

Extension of street over depot grounds.

Chicago, B. & O. R. Co. *v.* City of Naperville (Ill.), vol. 8, p. 702.

Extension of streets over railroad yards.

Cincinnati, Wabash & Michigan R. Co. *v.* City of Anderson (Ind.), vol. 3, p. 194.

Grant by municipality of right to use streets.

Sun Printing, etc., Ass'n *v.* Mayor of New York (N. Y.), vol. 8, p. 771.

Grant of exclusive right by municipal corporation to street railway companies.

Detroit Citizens' St. Ry. Co. *v.* City of Detroit (Mich.), vol. 5, p. 15.

Grant of right of way on public streets or highways subject to the rights therein of the public.

Jones *v.* Erie & Pennsylvania R. Co. (Pa.), vol. 3, p. 18.

Impairment of franchise of street railway by municipality.

Citizens' St. R. Co. *v.* City St. R. Co. (C. C. Ind.), vol. 1, p. 99.

Injury to boy on track through defective construction.

Goodrich *v.* Burlington, C. R. & N. Ry. Co. (Iowa), vol. 10, p. 719.

Liability of railroad where roadway is used by the public.

Burton *v.* Western, etc., R. Co. (Ga.), vol. 5, p. 708.

Limitation of right to occupy street.

West Jersey Traction Co. *v.* Camden Horse R. Co. (N. J.), vol. 1, p. 132.

Mandamus to compel mayor to approve permit to construct tracks when company's right is uncertain.

State ex rel. Baltimore, C. & P. B. R. Co. *v.* Latrobe (Md.), vol. 1, p. 99.

Mandamus to compel street railways to pave.

City of Lansing *v.* Lansing, etc., Ry. Co. (Mich.), vol. 5, p. 719.

Municipal confiscation of rail-

—Continued.

road property.

City of Belleville *v.* Citizens' Horse Ry. Co. (Ill.), vol. 1, p. 28.

Municipal consent to railroads in streets, ratification.

City of Owensboro *v.* Owensboro & N. R. Co. (Ky.), vol. 8, p. 155.

Municipality cannot authorize destruction of public passage. Lockwood *v.* Wabash Railroad Co. (Mo.), vol. 1, p. 16.

Municipal power to limit use of street having a perpetual franchise.

Citizens' St. R. Co. *v.* City St. R. Co. (Ind.), vol. 1, p. 99.

Municipal power to remove tracks, conflict of authority between city and adjoining county.

Delaware County & P. Electric R. Co. *v.* City of Philadelphia (Pa.), vol. 1, p. 28.

Notice required to be given to land owner of meeting of viewers in proceedings for laying out under Kansas statute. State *v.* Bogardus (Kan.), vol. 22, p. 142.

Obligation of railroad to keep track and street adjoining in repair.

City of Fort Worth *v.* Allen (Tex. Civ. App.), vol. 1, p. 282.

Obligation upon street railway to pave and repair streets.

Baumgartner *v.* City of Mankato (Minn.), vol. 1, p. 287.

Borough of McKeesport *v.* McKeesport R. Co. (Pa.), vol. 1, p. 286.

City of Duluth *v.* Duluth St. R. Co. (Minn.), vol. 1, p. 288.

City of Philadelphia *v.* Spring Garden Farmers' M. Co. (Pa. St.), vol. 1, pp. 286, 289.

Lehigh Coal & N. Co. *v.* Inter County St. R. Co. (Pa.), vol. 1, p. 286.

Obligation upon street railway to pave and repair streets, action for injury resulting from defective track and road-bed.

Gilton *v.* Hestonville, N. & F. P. Ry. Co. (Pa.), vol. 1, p. 292.

Kraut *v.* Frankfort S. P. City Pass. Ry. Co. (Pa. St.), vol. 1, p. 292.

STREETS AND HIGHWAYS STREETS AND HIGHWAYS

—Continued.

- Obligation upon street railway to pave and repair streets, instructions.
 Houston City St. Ry. Co. v. Richart (Tex.), vol. 1, p. 290.
- Obligation upon street railway to pave and repair streets, liability of abutters for paving streets cannot be enforced until remedy against company is exhausted.
 City of Philadelphia v. Spring Garden Farmers' M. Co. (Pa. St.), vol. 1, p. 289.
- Obligation upon street railway to pave and repair streets, violation of law of the road.
 Atlanta St. R. Co. v. Walker (Ga.), vol. 1, p. 290.
- Obstructions by trolley poles.
 Cleveland v. Bangor Street Railway Co. (Me.), vol. 1, p. 336.
- Obstructions in streets.
 City of Owensboro v. Owensboro & N. R. Co. (Ky.), vol. 8, p. 155.
- Occupation by a railway of land in street upon its right of way is notice to subsequent purchaser of abutting land of its right to use such track.
 Varwig v. Cleveland, C., C. & St. L. R. Co. (Ohio), vol. 4, p. 265.
- Option conferred upon street railway to avail itself or not of an exclusive privilege as a grant of an exclusive privilege.
 Detroit Citizens' Street Railway Co. v. City of Detroit (Mich.), vol. 5, p. 15.
- Ordinance permitting alteration of streets, necessity of publication.
 State v. Mayor of New Brunswick (N. J.), vol. 3, p. 170.
- Parties in mandamus proceedings to compel railroad to remove obstruction.
 People v. Northern Cent. Ry. Co. (N. Y.), vol. 21, p. 192.
- Paving streets by street railways.
 City of Lansing v. Lansing, etc., Ry. Co. (Mich.), vol. 5, p. 719.
- Possession of street under a grant sufficient evidence of ownership of a franchise therefor.
 Santa Rosa City Railroad Co.

—Continued.

- v. Central Street Railway Co. (Cal.), vol. 1, p. 106.
- Power of municipality to grant use of streets.
 Homestead St. R. Co. v. Pittsburgh & H. Electric St. R. Co. (Pa.), vol. 1, p. 97.
- Lockwood v. Wabash R. Co. (Mo.), vol. 1, p. 16.
- Long v. Freeman (N. Car.), vol. 1, p. 97.
- State v. Mayor, etc., of Jersey City (N. J.), vol. 1, p. 98.
- Tibbetts v. West & South Towns St. R. Co. (Ill.), vol. 1, p. 98.
- Power of municipality to take depot grounds for street purposes.
 Chicago, Milwaukee & St. Paul R. Co. v. Starkweather (Iowa), vol. 3, p. 189.
- Power to authorize private railway in street.
 Gustafson v. Hamm (Minn.), vol. 1, p. 45.
- Presumption of negligence raised by falling of object from street structure.
 Hogan v. Manhattan R. Co. (N. Y.), vol. 3, p. 571.
- Presumption under general railroad laws as to extent of appropriation under eminent domain.
 Jones v. Erie & Pennsylvania R. Co. (Pa.), vol. 3, p. 18.
- Railroads in streets not entitled to compensation from street railway company as a condition to crossing of its track.
 Chicago, B. & O. R. Co. v. Beatrice Rapid Transit & Power Co. (Neb.), vol. 4, p. 325.
- Restoration of highway by railroad company, question for jury.
 Allen v. Buffalo, R. & P. Ry. Co. (N. Y.), vol. 9, p. 265.
- Revocation by city of authority to lay tracks.
 Asheville St. Ry. Co. v. City of Asheville (N. Car.), vol. 1, p. 27.
- Right of abutting owners to enjoin railroads in streets.
 Mobile & M. Ry. Co. v. Alabama M. Ry. Co. (Ala.), vol. 10, p. 128.

STREETS AND HIGHWAYS STREETS AND HIGHWAYS

—Continued.

Right of abutting owner to enjoin the operation of a steam railroad in city streets.

Bond *v.* Pennsylvania Co. (Ill.), vol. 10, p. 118.

Right of city to extend street across railroad right of way. Chicago & Northwestern R. Co. *v.* City of Chicago (Ill.), vol. 3, p. 199.

Right of city to grant exclusive and permanent use of street to ordinary railroad.

Willamette Iron Works *v.* Oregon Railway & Navigation Co. (Ore.), vol. 1, p. 36.

Right of owner of unauthorized track in street to compensation for interference therewith.

Union Elevator Co. *v.* Kansas City S. B. R. Co. (Mo.), vol. 3, p. 130.

Right of way secured by exercise of right of eminent domain on streets of cities, extent of appropriation.

Jones *v.* Erie & Pennsylvania R. Co. (Pa.), vol. 3, p. 18.

Right to use railroad track in highway.

Baltimore & O. R. Co. *v.* Anderson (C. C. A.), vol. 10, p. 497.

Selecting the more dangerous of two avenues of travel.

Settoon *v.* Texas & Pac. R. Co. (La. Ann.), vol. 4, p. 219.

Tearing up street railways.

Des Moines City Railway Company *v.* City of Des Moines (Iowa), vol. 1, p. 215.

The fact that both plaintiff and defendant own lands abutting on a street by titles derived through mesne conveyances from the same source does not estop defendant from occupying such street for railroad purposes, such fact not establishing contractual relations between plaintiff and defendant.

Bond *v.* Pennsylvania Co. (Ill.), vol. 10, p. 118.

Validity of assessment on railroad for street improvement. City of New Whatcom *v.* Bellingham Bay & B. C. R. Co. (Wash.), vol. 6, p. 419.

Illinois Cent. R. Co. *v.* City of Kankakee (Ill.), vol. 6, p. 417.

—Continued.

Validity of ordinance requiring a change of grade which would render the track useless.

City of Owensboro *v.* Owensboro & N. R. Co. (Ky.), vol. 8, p. 155.

Violation of terms of grant of right to use streets.

Haus *v.* Jefferson, M. & I. R. Co. (Ind.), vol. 1, p. 27.

What constitutes contract between municipality and railroad company as to alteration of streets.

State *v.* Mayor of New Brunswick (N. J.), vol. 3, p. 170.

Wrongful use of street, right of adjacent lot owners.

Hoffman *v.* Flint & P. M. R. Co. (Mich.), vol. 9, p. 447.

STRUCTURES NEAR TRACK

See Master and Servant.

Master and Servant.

Railroad not liable on account of necessary proximity of crane placed near track by government.

Louisville & N. R. Co. *v.* Milliken (Ky.), vol. 14, p. 742.

SUBROGATION.

See Fires Set by Locomotives. Insurance.

SUBSCRIPTIONS.

See Stock and Stockholders.

SUCCESSORS.

See Railroads. Sales.

Liability of purchaser of railroad for life passes issued by predecessor.

Missouri Pac. Ry. Co. *v.* Henrie (Kan.), vol. 6, p. 790.

Liability of purchaser of railroad for unpaid condemnation money.

Missouri Pac. Ry. Co. *v.* Henrie (Kan.), vol. 6, p. 790.

Liability of purchasing railroad for tort committed prior to transfer by purchased railroad.

Pennison *v.* Chicago, M. & St. P. R. Co. (Wis.), vol. 4, p. 573.

SUCCESSORS—Continued.

Liability of successor for restoration of highway.

Allen *v.* Buffalo, R. & P. Ry. Co. (N. Y.), vol. 9, p. 265.

Rights of purchaser of railroad.

Missouri Pac. Ry. Co. *v.* Henrie (Kan.), vol. 6, p. 790.

SUMMONS.

See Parties.

SUNDAY.

See Interstate Commerce.

Action for personal injuries.

Jordan *v.* New York, N. H. & H. R. Co. (Mass.), vol. 3, p. 435.

Running of freight trains on Sunday.

Hennington *v.* Georgia (U. S.), vol. 4, p. 448.

Violation of Sunday laws by deceased.

Boyden *v.* Fitchburg R. Co. (Vt.), vol. 10, p. 523.

Whether carriers are exempt from liability for negligence.

Horton *v.* Norwalk Tramway Co. (Conn.), vol. 3, p. 299.

SUPERINTENDENTS.

See Agents.

SUPPLIES.

See Receivers.

SUPREME COURT.

See United States Courts.

SURETYSHIP.

Discharge of sureties to secure damages to landowner by dissolution of corporation prior to condemnation proceedings.

Keller *v.* Harrisburg & P. R. Co. (Pa. St.), vol. 3, p. 130.

SURFACE WATER.

See Water and Watercourses.

SURPRISE.

See Trials.

SURVIVAL OF ACTIONS.

See Actions.

Whether an action for personal injuries, not resulting in death survives to the personal representative.

Martin *v.* Missouri Pac. Ry. Co. (Kan.), vol. 7, p. 576.

SWITCHES.

See Railroad Commissions.

Master and Servant.

Accident from catching foot in switch.

International & G. N. R. Co. *v.* Lee (Tex. Civ. App.), vol. 3, p. 434.

Verbal contract by railroad to maintain switch for benefit of shipper.

Warner *v.* Texas & P. R. Co. (U. S.), vol. 6, p. 696.

SWITCHING CARS.

See Negligence.

SWITCH YARDS.

See Master and Servant.

Absence of butt post on stub track is negligence.

Chicago & E. I. R. Co. *v.* Driscoll (Ill.), vol. 12, p. 644.

Ashes on track.

Louisville & N. R. Co. *v.* Vestal (Ky.), vol. 12, p. 633.

Custom of other companies in equipping switch-yards, not admissible.

Chicago & E. I. R. Co. *v.* Driscoll (Ill.), vol. 12, p. 644.

Duty to ballast.

Lake Erie & W. R. Co. *v.* Morrissey (Ill.), vol. 12, p. 624.

Removal of snow.

Fay *v.* Chicago, St. P., M. & O. Ry. Co. (Minn.), vol. 12, p. 641.

TAXATION.

See Consolidation.

Constitutional Law.

Estoppel.

Exemption from Taxation.

Injunctions.

Interest.

Local Assessments.

Street Railways.

Fisher *v.* West Virginia & P. R. Co. (W. Va.), vol. 4, p. 86.

Assessment.

Arbitrary and fraudulent assessment and equalization of railroad land under laws of Oregon.

Oregon & C. R. Co. *v.* Jackson County (Ore.), vol. 22, p. 98.

TAXATION—Continued.

Evidence of rental value of roadbed.

Oregon & C. R. Co. *v.* Jackson County (Ore.), vol. 22, p. 98.

How to estimate true "cash value" of railroad under Sess. Laws 1893 of Oregon, p. 6.

Oregon & C. R. Co. *v.* Jackson County (Ore.), vol. 22, p. 98.

Land leased to railroad company and used for railroad purposes, is subject to assessment by state and not by the municipality, under New Jersey laws.

In re Pennsylvania R. Co. (N. J.), vol. 22, p. 178.

Market value of roadbed.

Oregon & C. R. Co. *v.* Jackson County (Ore.), vol. 22, p. 98.

Power of board of equalization to validate an assessment.

Oregon & C. R. Co. *v.* Jackson County (Ore.), vol. 22, p. 98.

Province of supreme court of Oregon.

Oregon & C. R. Co. *v.* Jackson County (Ore.), vol. 22, p. 98.

Time for assessment under Maryland statute.

Baltimore, C. & A. Ry. Co. *v.* Commissioners of Wicomico County (Md.), vol. 21, p. 284.

Commissioners of Wicomico County *v.* Baltimore, C. & A. Ry. Co. (Md.), vol. 21, p. 284.

Capital Stock.

Deduction of indebtedness:

Com. *v.* New York, P. & O. R. Co. (Pa.), vol. 14, p. 145.

Presumption as to correctness of finding as to value.

Com. *v.* New York, P. & O. R. Co. (Pa.), vol. 14, p. 145.

Valuation.

Com. *v.* New York, P. & O. R. Co. (Pa.), vol. 14, p. 145.

What included.

Commonwealth *v.* New York, P. & O. R. Co. (Pa.), vol. 14, p. 145.

TAXATION—Continued.

Coal yards of railroad companies.

Phila. *v.* Phila., etc., R. Co. (Pa.), vol. 5, p. 720.

Consolidation.

Southern R. Co. *v.* City Council of Greenville (S. Car.), vol. 3, p. 450.

Effect of consolidation of railroads on railroad aid tax. Vicksburg, S. & P. R. Co. *v.* Scott, Sheriff (La.), vol. 17, p. 745.

Constitutional Law.

Constitutionality of city license tax where railroad is engaged in interstate commerce.

Alabama G. S. R. Co. *v.* City of Bessemer (Ala.), vol. 6, p. 410.

Constitutionality of statute providing for distribution of rolling stock among counties.

Baltimore, C. & A. Ry. Co. *v.* Commissioners of Wicomico County (Md.), vol. 21, p. 284.

Commissioners of Wicomico County *v.* Baltimore, C. & A. Ry. Co. (Md.), vol. 21, p. 284.

Del. Rev. Code, p. 115, not unconstitutional for taxing buildings on right of way although the land is exempt. Sayers, Assessor, *v.* Wilmington & N. R. Co. (Del.), vol. 22, p. 530.

Distribution of rolling stock among counties, statute.

Baltimore, C. & A. Ry. Co. *v.* Commissioners of Wicomico County (Md.), vol. 21, p. 284. Commissioners of Wicomico County *v.* Baltimore, C. & A. Ry. Co. (Md.), vol. 21, p. 284.

Earnings.

Carrier not liable to assessment on gross earnings derived from carrying mail where such earnings included money received from carrying interstate and foreign mail.

People *v.* Morgan (N. Y.), vol. 22, p. 527.

TAXATION—Continued.

Construction of provision that the railroad should not be subjected to a higher tax than one half per cent. upon its annual net income, and that no municipal or other corporation should have the power to tax the stock of said company, but might tax any property, real or personal, within the jurisdiction, in the ratio of taxation of like property.

Central Ry. & Banking Co. *v.* Wright, Comptroller Gen. (U. S.), vol. 7, p. 181.

Determination of net earnings. State ex rel. St. Charles St. R. Co. *v.* Board of Assessors (La.), vol. 4, p. 386.

Interest on loans and deposits included in.

Detroit, G. R. & W. R. Co. *v.* Commissioner of Railroads (Mich.), vol. 14, p. 174.

Switching receipts included in. Detroit, G. R. & W. R. Co. *v.* Commissioner of Railroads (Mich.), vol. 14, p. 174.

Track and terminal rentals are included in.

Detroit, G. R. & W. R. Co. *v.* Commissioner of Railroads (Mich.), vol. 14, p. 174.

Effect of payment of taxes by owners of paramount title.

St. Louis, etc., R. Co. *v.* Warfel (Ill.), vol. 6, p. 795.

Estoppel to deny legality of railroad aid tax.

Vicksburg, S. & P. R. Co. *v.* Scott, Sheriff (La.), vol. 17, p. 745.

Estoppel to object to time of assessment.

Baltimore, C. & A. Ry. Co. *v.* Commissioners of Wicomico County (Md.), vol. 21, p. 284.

Exemptions.

Constitutionality of statute.

St. Louis County *v.* Duluth & I. R. R. Co. (Minn.), vol. 19, p. 273.

Construction of Maryland statute.

Baltimore, C. & A. Ry. Co. *v.* Mayor, etc., of Ocean City (Md.), vol. 14, p. 195.

Construction of statute.

Duluth, S. S. & A. Ry. Co.

TAXATION—Continued.

v. Douglas County (Wis.), vol. 14, p. 178.

Effect of consolidation of railroads.

Yazoo & M. V. R. Co. *v.* Adams (U. S.), vol. 20, pp. 350, 428.

Effect of reserved power to amend or repeal.

St. Louis County *v.* Duluth & I. R. R. Co. (Minn.), vol. 19, p. 273.

Exemption clause subject to repeal, construction of Miss. Act Feb. 23, 1882, § 18.

Gulf & Ship Island R. Co. *v.* Hewes (U. S.), vol. 23, p. 510.

Exemption does not extend to property not necessary to railroad's business.

Ford *v.* Delta & Pine Land Co. (U. S.), vol. 6, p. 396.

Exemption from special assessments.

Ford *v.* Delta & Pine Land Co. (U. S.), vol. 6, p. 395.

Implied appeal of statutory provision.

Yazoo & M. V. R. Co. *v.* Adams (Miss.), vol. 20, p. 428.

Landlord's lien upon rolling stock of leased railroad.

Trust Co. of North America *v.* Manhattan Trust Co. (C. C. A.), vol. 6, p. 220.

Property not used for railroad purposes.

In re Erie R. Co. (N. J.), vol. 21, p. 695.

Railroad lands.

New Jersey Junction R. Co. *v.* Mayor, etc., of Jersey City (N. J.), vol. 14, p. 192.

Repeal of exemption in railroad charters by Mississippi Code of 1892.

Yazoo & M. V. R. Co. *v.* Adams (Miss.), vol. 20, p. 428.

Right of, does not pass to purchaser.

Baltimore, C. & A. Ry. Co. *v.* Mayor, etc., of Ocean City (Md.), vol. 14, p. 195.

Subrogation of one corporation to privileges of predecessor does not include immunity from taxation.

Gulf & Ship Island R. Co. *v.* Hewes (U. S.), vol. 23, p. 510.

TAXATION—Continued.

- What included in "right of way."
- Territory of New Mexico *v.* United States Trust Co. of New York (U. S.), vol. 14, p. 811.
- Form of assessment of franchise under Tex. Rev. St. 1895, art. 5082, subd. 3.
- State *v.* Austin & N. W. R. Co. (Tex.), vol. 22, p. 556.
- Franchise of street railway as part of roadbed, and therefore personal property.
- City of Detroit *v.* Donovan (Mich.), vol. 23, p. 520.
- Interest on amount of judgment.
- Cumberland & P. R. Co. *v.* State (Md.), vol. 20, p. 755.
- Interference with interstate commerce.
- Cumberland & P. R. Co. *v.* State (Md.), vol. 20, p. 754.
- Judgment against railroad property.
- Phila. *v.* Phila., etc., R. Co. (Pa.), vol. 5, p. 720.
- Jurisdiction to assess railroad property.
- Nashville & D. R. Co. *v.* State (Ala.), vol. 23, p. 202.
- Land grants.
- Wells County *v.* McHenry (N. Dak.), vol. 10, p. 190.
- Liability of former receivers for taxes.
- Comer *v.* Polk County (C. C. A.), vol. 8, p. 288.
- License tax on railroad, interstate commerce.
- City of Anniston *v.* Southern Ry. Co. (Ala.), vol. 9, p. 36.
- Local Improvements.**
 - Kansas statutes.
 - Atchison, etc., R. Co. *v.* Peterson (Kan.), vol. 8, p. 772.
 - Legislative authority.
 - Atchison, etc., R. Co. *v.* Peterson (Kan.), vol. 8, p. 772.
 - Liability of real estate.
 - Atchison, etc., R. Co. *v.* Peterson (Kan.), vol. 8, p. 772.
 - Personal charge.
 - Atchison, etc., R. Co. *v.* Peterson (Kan.), vol. 8, p. 772.
 - Roadbed of railroad exempt

TAXATION—Continued.

- from special assessments for public improvements.
- City of Boston *v.* Boston & A. R. Co. (Mass.), vol. 11, p. 807.
- Validity of assessment on railroad for street improvement.
- City of New Whatcom *v.* Bellingham Bay & B. C. R. Co. (Wash.), vol. 6, p. 419.
- Illinois Cent. R. Co. *v.* City of Kankakee (Ill.), vol. 6, p. 417.
- Whether railroad land subject to local assessment.
- In re Pennsylvania R. Co. (N. J.), vol. 22, p. 178.
- Mileage does not include road operated in conjunction with another company.
- Detroit, G. R. & W. R. Co. *v.* Com'rs of Railroads (Mich.), vol. 14, p. 174.
- Municipal taxation of railroad property.
- Philadelphia *v.* Phila., etc., R. Co. (Pa.), vol. 5, p. 720.
- Occupation Tax.**
 - Constitutional provisions.
 - City of York *v.* Chicago, B. & Q. R. Co. (Neb.), vol. 14, p. 200.
 - Ordinances imposing.
 - City of York *v.* Chicago, B. & Q. R. Co. (Neb.), vol. 14, p. 200.
 - Road engaged in interstate commerce.
 - City of York *v.* Chicago, B. & Q. R. Co. (Neb.), vol. 14, p. 200.
 - Power house and plant of street railway company on leased land.
 - New York Guar. & Indem. Co. *v.* Tacoma Ry. & Motor Co. (C. C. A.), vol. 23, p. 249.
 - Power house held by street railway under lease for twenty-five years cannot be properly taxed as part of right of way of an ordinary railway company.
 - New York Guar. & Indem. Co. *v.* Tacoma Ry. & Motor Co. (C. C. A.), vol. 23, p. 249.
 - Power to review assessment.
 - City of Detroit *v.* Donovan (Mich.), vol. 23, p. 520.
 - Power to tax corporate privileges.
 - Gulf & Ship Island R. Co. *v.* Hewes (U. S.), vol. 23, p. 510.

TAXATION—Continued.

- Presumption as to power.
 Union Ref. Transit Co. *v.* Lynch, Treasurer (U. S.), vol. 17, p. 588.
- Prior taxation act exempting property not repealed by Del. Const., art. 8, § 1.
 Sayers, Assessor, *v.* Wilmington & N. R. Co. (Del.), vol. 22, p. 530.
- Proper remedy to restrain collection of personal tax against street railway company by seizure of its cars under statute of Michigan preventing interference with valuable franchises.
 City of Detroit *v.* Donovan (Mich.), vol. 23, p. 520.
- Property subject to.
 In re Erie R. Co. (N. J.), vol. 21, p. 695.
- Public lands granted to railroad are taxable by state.
 Northern Pac. Ry. Co. *v.* Myers, Treas. of Jefferson Co., Mont. (U. S.), vol. 15, p. 391.
- Question as to repeal of exemption a federal question.
 Gulf & Ship Island R. Co. *v.* Hewes (U. S.), vol. 23, p. 510.
- Railroad's repair shop.
 Western New York & Pennsylvania R. Co. *v.* Venango County (Pa.), vol. 10, p. 185.
- Right of way of street railroad taxable as real estate under New Jersey laws.
 Mayor, etc., of City of Newark *v.* State Bd. of Taxation (N. J.), vol. 23, p. 308.
- Right of way subject to assessment by state board, not by local assessors.
 Chicago, M. & St. P. Ry. Co. *v.* Grant (Ill.), vol. 11, p. 823.
- Schools, taxation of railroads for school purposes.
 New York, etc., R. Co. *v.* Board of Supervisors (Va.), vol. 4, p. 265.
- School taxes, erroneous listing.
 Chicago, etc., R. Co. *v.* Cass County (Neb.), vol. 8, p. 772.
- Separate tax on lines operated by one company.
 City of Anniston *v.* Southern Ry. Co. (Ala.), vol. 9, p. 36.
- Situs for taxation of cars of foreign company.
 Union Refrig. Trans. Co. *v.* Lynch, County Treasurer (Utah), vol. 13, p. 868.

TAXATION—Continued.

- State cannot regulate war revenue tax.
 Dinsmore *v.* Southern Exp. Co. (Ga.), vol. 13, p. 314.
- State taxation of lands granted by congress to railroads.
 Central Pac. R. Co. *v.* Nevada (U. S.), vol. 4, p. 264.
- Steel rails.
 Toronto, etc., R. Co. *v.* Reg (Eng.), vol. 5, p. 720.
- Street railway rolling stock as personal property under Michigan tax law.
 City of Detroit *v.* Donovan (Mich.), vol. 23, p. 520.
- Sufficiency of allegation that majority of board of equalization were acting fraudulently, in bill by railroad to restrain collection.
 Oregon & C. R. Co. *v.* Jackson County (Ore.), vol. 22, p. 98.
- Sufficiency of bill by railroad for injunction to restrain collection.
 Oregon & C. R. Co. *v.* Jackson County (Ore.), vol. 22, p. 98.
- Sufficiency of evidence to show that railroad company was owner of property assessed.
 New York Guar. & Idem. Co. *v.* Tacoma Ry. & Motor Co. (C. C. A.), vol. 23, p. 249.
- Taxation of cars of foreign company not interference with interstate commerce.
 Union Refrig. Trans. Co. *v.* Lynch, County Treasurer (Utah), vol. 13, p. 868.
- Taxation of foreign car used in interstate commerce.
 Union Ref. Transit Co. *v.* Lynch, Treasurer (U. S.), vol. 17, p. 588.
- Trolley line not a railroad use.
 In re Jersey City & B. Ry. Co. (N. J.), vol. 23, p. 281.
- Validity of second election for railroad aid tax.
 Vicksburg, S. & P. R. Co. *v.* Scott, Sheriff (La.), vol. 17, p. 745.
- Validity of seizure of railroad property for taxes.
 Chicago, etc., Ry. Co. *v.* Forest County (Wis.), vol. 6, p. 796.
- Validity of special election to vote railroad aid tax.
 Bras *v.* McConnell (Iowa), vol. 23, p. 127.

TAXATION—Continued.

Valuation of intangible property.

Weir *v.* Norman (U. S.), vol. 13, p. 861.

Valuation of intangible property of railroad on basis of mileage of lines within and without the state, not unconstitutional.

Weir *v.* Norman (U. S.), vol. 13, p. 861.

Valuation of railway property for taxation.

People *ex rel.* Delaware, L. & W. R. Co. *v.* Clapp (N. Y.), vol. 8, p. 95.

What included in right of way. Nashville & D. R. Co. *v.* State (Ala.), vol. 23, p. 202.

What is subject to taxation under term "roadway."

Chicago, M. & St. P. Ry. Co. *v.* Cass County (N. Dak.), vol. 11, p. 813.

Where railroad bridge over navigable river is assessable.

Chicago, B. & Q. R. Co. *v.* Richardson County (Neb.), vol. 21, p. 702.

Whether charter was a revival of rights and privileges which had belonged to predecessor. Gulf & Ship Island R. Co. *v.* Hewes (U. S.), vol. 23, p. 510.

Whether franchises are real estate and, therefore, not subject to separate tax under Tex. Rev. St. 1895, art. 5073.

State *v.* Austin & N. W. R. Co. (Tex.), vol. 22, p. 556.

Whether Mississippi statute providing for tax on sleeping cars was unconstitutional as an interference with interstate commerce.

Pullman Palace Car Co. *v.* Adams (Miss.), vol. 23, p. 583.

Whether repeal of exemption impaired obligation of contract, federal question.

Gulf & Ship Island R. Co. *v.* Hewes (U. S.), vol. 23, p. 510.

TAX SALE.

Railroad tracks do not pass with land sold where such sale was not on account of taxes due from railroad.

Illinois Cent. R. Co. *v.* LeBlanc (Miss.), vol. 12, p. 877.

TELEGRAPH COMPANIES.

See Eminent Domain.

Contract of, with mortgagor company for right of way not binding on mortgagee.

Western Union Tel. Co. *v.* Ann Arbor R. Co. (C. C. A.), vol. 13, p. 395.

Eminent Domain.

Public improvement.

Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Ala.), vol. 13, p. 423.

Right of company to refuse carriage facilities to competing telegraph line.

Mercantile T. Co. *v.* Atlantic & P. R. Co. (Cal.), vol. 1, p. 910.

Telegraph line along railroad right of way.

Mobile & O. R. Co. *v.* Postal Tel. Cable Co. (Tenn.), vol. 10, p. 867.

Telephone a telegraph.

Northwestern Tel. Exch. Co. *v.* Chicago M. & St. P. Ry. Co. (Minn.), vol. 13, p. 449.

TELEGRAPHIC ORDERS.

See Evidence.

TELEGRAPH POLES.

See Eminent Domain.

Master and Servant.

Telegraph pole placed so near track as to injure employee.

Crandall *v.* New York, etc., R. Co. (R. I.), vol. 5, p. 543.

Whipple *v.* New York, etc., R. Co. (R. I.), vol. 5, p. 517.

TELEGRAPHS AND TELEPHONES.

See Eminent Domain.

Duty to guard wires from possible contact with crossing telephone wires.

Block *v.* Milwaukee Street Railway Co. (Wis.), vol. 1, p. 329.

TENANTS.

See Landlord and Tenant.

TENDER.

See Release.

Damages received upon cancellation of release.

Lumley *v.* Wabash R. Co. (C. C. A.), vol. 6, p. 82.

Terminals.

Sherwood *v.* Atlantic & D. R. Co. (Va.), vol. 6, p. 670.

TERMINAL COMPANIES.

See Connecting Carriers.

THEFT.

See Baggage.

Sleeping Car Companies.

THOUSAND-MILE TICKETS.

See Interstate Commerce.

Tickets and Fares.

THROUGH TRAINS.

See Carriers of Passengers.

TICKET AGENTS.

See Carriers of Passengers.

TICKET BROKERS.

A ticket broker purchased of the defendant railway company tickets good over the defendant's road to a certain point, and with coupons good from there over the line of a connecting carrier. The tickets having been used by the defendant under an agreement with, and by the authority of the connecting carriers, the coupons were accepted for passage by the connecting carriers for a number of years until it came into the hands of a receiver, who, by order of the federal court, refused to accept them: *held*, that the defendant in the sale of such coupons acted merely as the agent of the connecting carrier, and was not liable for the refusal of the receiver to accept them for passage.

Chicago & A. R. Co. v. Mulford (Ill.), vol. 5, p. 229.

TICKETS AND FARES.

See Carriers of Passengers.

Connecting Carriers.

Free Passes.

Passes.

Railroad Commissions.

Rates.

Stations.

Street Railways.

Ticket Brokers.

Acceptance of conditions contained in mileage book.

Rahilly v. St. Paul, etc., R. Co. (Minn.), vol. 5, p. 690.

Acceptance of printed conditions.

Hanlon v. Illinois Cent. R. Co. (Iowa), vol. 16, p. 101.

TICKETS AND FARES—Continued.

A conductor has a right to eject a person from his car whose sole claim to be considered a passenger is by virtue of a ticket void on its face.

McGhee v. Reynolds (Ala.), vol. 10, p. 49.

Action to enjoin prosecution under California statute, granting stop-over privileges, to prevent multiplicity of suits.

Southern Pac. Co. v. Robinson (Cal.), vol. 21, p. 160.

Agent's refusal to sign ticket a good cause of action in tort.

McGhee v. Reynolds (Ala.) vol. 10, p. 49.

Alternative tickets, rights of passenger.

Robinson v. Southern Pacific Co. (Cal.), vol. 2, p. 44.

"Anti-scalpers' act," unconstitutional.

People ex rel. Tyroler v. Warden of City Prison of City of New York (N. Y.), vol. 14, p. 474.

Authority of ticket agent.

Hanlon v. Illinois Cent. R. Co. (Iowa), vol. 16, p. 101.

Authority of ticket agent to waive limitations on ticket.

Coyle v. Southern Ry. Co. (Ga.), vol. 20, p. 529.

Binding effect on company of statements by ticket agents.

Atchison, L. & S. F. R. Co. v. Cameron (C. C. A.), vol. 2, p. 108.

Burden of proving condition on ticket.

Daniels v. Florida Cent. & P. R. Co. (S. Car.), vol. 23, p. 107.

Cancellation of ticket, question for jury.

Dixon v. New England R. R. (Mass.), vol. 22, p. 10.

Carrier chargeable with notice that person is acting as ticket agent.

Gulf, C. & S. F. Ry. Co. v. Moorman (Tex.), vol. 11, p. 157.

Carrier estopped to deny authority of clerk assuming to be general passenger agent.

Southern Ry. Co. v. Marshall (Ky.), vol. 23, p. 82.

TICKETS AND FARES—*Continued.***Children.**

Duty of passenger to pay fare for his minor child.

Braun *v.* Northern Pac. Ry. Co. (Minn.), vol. 17, p. 139.

Warfield *v.* Louisville & N. R. Co. (Tenn.), vol. 17, p. 135.

Commutation tickets, general custom between carrier and passenger, as evidence of employee's authority to waive conditions.

Thompson *v.* Truesdale (Minn.), vol. 2, p. 105.

Commutation tickets, obligation to surrender part of contract. Rogers *v.* Atlantic City R. Co. (N. J.), vol. 3, p. 283.

Commutation tickets, right of carrier to revoke waiver of conditions.

Thompson *v.* Truesdale (Minn.), vol. 2, p. 105.

Commutation tickets, surrender of.

Rogers *v.* Atlantic City R. Co. (N. J.), vol. 3, p. 283.

Commutation tickets, waiver of condition against detachment of coupons by passenger.

Thompson *v.* Truesdale (Minn.), vol. 2, p. 105.

Conditions applicable to another station.

Great Northern Ry. Co. *v.* Palmer (Eng.), vol. 2, p. 99.

Conditions, authority of carrier under Georgia statute.

Phillips *v.* Georgia Railroad & Banking Co. (Ga.), vol. 2, p. 110.

Conductor of subsequent train was not bound to accept ticket where failure to secure stop-over check.

Dixon *v.* New England R. R. (Mass.), vol. 22, p. 10.

Connecting Carriers.

Carrier selling tickets liable for injury to passenger while being carried by another carrier.

Barkman *v.* Pennsylvania R. Co. (N. J.), vol. 12, p. 250.

Liability for statements made by ticket agent of connecting line.

Atchison, T. & S. F. R. Co.

TICKETS AND FARES—*Continued.*

v. Cameron (C. C. A.), vol. 2, p. 109.

Liability of company for failure to transport passenger on ticket issued by connecting line.

Matthews *v.* Charleston & S. R. Co. (S. Car.), vol. 2, p. 109.

Mileage tickets issued by one company over another's line, by the latter's authority, cannot be repudiated by such latter company.

Winters *v.* Cowen (Ohio), vol. 12, p. 40.

Sale of ticket to station on connecting line.

Atchison, T. & S. F. R. Co. *v.* Cameron (C. C. A.), vol. 2, p. 109.

Ticket sold by carrier under through traffic agreement does not render it liable for injury to passenger on line of another carrier.

Mathews *v.* Atchison, T. & S. F. R. Co. (Kan.), vol. 12, p. 255.

When carrier is liable as forwarder.

Taylor *v.* Maine Central Railroad Co. (Me.), vol. 2, p. 614.

Whether express contract is essential to establish a liability for damages inflicted by connecting lines.

Taylor *v.* Maine Central Railroad Co. (Me.), vol. 2, p. 614.

Whether through tickets create a partnership.

Chicago & A. R. Co. *v.* Mulford (Ill.), vol. 5, p. 229.

Wrongful delivery by connecting carrier.

Illinois Cent. R. Co. *v.* Carter (Ill.), vol. 8, p. 485.

Consolidation, on mileage or trip tickets.

Tompkins *v.* Augusta Southern R. Co. (Ga.), vol. 11, p. 587.

Constitutionality of statute requiring railroad companies to sell mileage books.

Beardsley *v.* New York, L., E. & W. R. Co. (N. Y.), vol. 17, p. 149.

TICKETS AND FARES—Continued.

- Construction of contract.
 Georgia Railroad & Banking Co. *v.* Clarke (Ga.), vol. 5, p. 219.
- Count setting forth good cause of action for negligence of ticket agent in failing to render return ticket available by stamping.
 McGhee *v.* Reynolds (Ala.), vol. 22, p. 17.
- Duty of conductor who takes up ticket to see that passenger is provided with means of continuing his journey.
 Sloane *v.* Southern California Railway Co. (Cal.), vol. 4, p. 182.
- Ejection of passenger holding unstamped ticket who entered car on conductor's invitation.
 Louisville & N. R. Co. *v.* Blair (Tenn.), vol. 17, p. 159.
- Ejection of passenger presenting void ticket.
 Mitchell *v.* Southern Ry. Co. (Miss.), vol. 18, p. 126.
- Ejection of passenger riding on expired ticket.
 Southern Ry. Co. *v.* Howard (Ga.), vol. 18, p. 758.
- Ejection of passenger where ticket is defective.
 Western Maryland R. Co. *v.* Stocksdale (Md.), vol. 4, p. 510.
- Evidence as to conduct of acting ticket agent, in action for ejection.
 Gulf, C. & S. F. Ry. Co. *v.* Moorman (Tex.), vol. 11, p. 157.
- Excessive damages for expulsion.
 Louisville & N. R. Co. *v.* Breckinridge (Ky.), vol. 3, p. 428.
- Excursion Tickets.**
- Compliance with condition of requiring identification.
 Central of Georgia Ry. Co. *v.* Cannon (Ga.), vol. 14, p. 405.
- Duty of holder to prove his identity in compliance with conditions in ticket.
 Central of Georgia Ry. Co. *v.* Cannon (Ga.), vol. 14, p. 405.
- Secondary evidence as to terms of excursion tickets.
 Daniels *v.* Florida Cent. &

TICKETS AND FARES—Continued.

- P. R. Co. (S. Car.), vol. 23, p. 107.
- Validity of printed conditions.
 Dangerfield *v.* Atchison, T. & S. F. Ry. Co. (Kan.), vol. 17, p. 650.
- Validity of printed conditions in excursion tickets.
 Watson *v.* Louisville & N. R. Co. (Tenn.), vol. 18, p. 115.
- Waiver of estoppel.
 Dangerfield *v.* Atchison, T. & S. F. Ry. Co. (Kan.), vol. 17, p. 650.
- Expiration of limit of ticket without its being used does not entitle holder to recover purchase price.
 Trezona *v.* Chicago G. W. Ry. Co. (Iowa), vol. 12, p. 104.
- Extra Fares.**
- Admissibility of evidence of rule of state railroad commission fixing train rates of fare, where increased rate was charged for interstate transportation for failure to procure ticket.
 Coyle *v.* Southern Ry. Co. (Ga.), vol. 20, p. 529.
- Arrest for failure to pay.
 Stricker *v.* Pennsylvania R. Co. (N. J.), vol. 7, p. 758.
- By-law requiring that each passenger shall either deliver up his ticket or pay the fare legally demandable, reasonableness.
 Hanks *v.* Bridgman (Eng.), vol. 3, p. 656.
- Damages where agent refuses to sell tickets and extra fare is demanded.
 Courts *v.* Louisville & N. R. Co. (Ky.), vol. 5, p. 223.
- Right of passenger where train does not stop at his destination to board a train for his objective point without paying the difference in fare.
 Illinois Cent. R. Co. *v.* Billington (Ky.), vol. 2, p. 109.
- Right to charge extra fare for failure to procure ticket, when ticket office was lawfully closed before train started.
 Coyle *v.* Southern Ry. Co. (Ga.), vol. 20, p. 529.

TICKETS AND FARES—*Continued.*

- Right to reduced rate on train where ticket office was closed on day on which such rate was customarily given.
Johnson *v.* Georgia R. & B. Co. (Ga.), vol. 16, p. 89.
- Failure of passenger to pay fare for last part of his journey does not prevent him from recovering for injuries received while going over such part.
Chicago, R. I. & P. Ry. Co. *v.* Lee (C. C. A.), vol. 14, p. 264.
- Forfeiture of nontransferable mileage ticket.
Mueller *v.* Chicago, B. & N. Ry. Co. (Minn.), vol. 12, p. 137.
- Forfeiture of tickets.
Great Northern Railway Co. *v.* Palmer (Eng.), vol. 2, p. 99.
- Good cause of action for failure to stamp return ticket, pleading.
McGhee *v.* Reynolds (Ala.), vol. 22, p. 17.
- Improper repudiation of ticket, implied malice.
Winters *v.* Cowen (Ohio), vol. 12, p. 40.
- Instruction as to existence of indorsed condition not warranted by evidence.
Louisville & N. R. Co. *v.* Bizzell (Ala.), vol. 23, p. 615.
- Issuance of thousand mile tickets.
Smith *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 8, p. 496.
- Liability for overcharge by conductor.
Hall *v.* Norfolk & Western Railroad Co. (W. Va.), vol. 8, p. 632.
- Liability for trunk lost in baggage room at destination where owner purchased ticket for sole purpose of checking trunk.
Marshall *v.* Pontiac, O. & N. R. Co. (Mich.), vol. 20, p. 341.
- Liability of railway company on ticket sold by agent.
Cowen *v.* Winters (C. C. A.), vol. 16, p. 107.
- Limiting Liability.
Central of Georgia Ry. Co. *v.* Lippman (Ga.), vol. 18, p. 640.
Chicago, R. I. & P. Ry. Co.

TICKETS AND FARES—*Continued.*

- v.* Posten (Kan.), vol. 11, p. 138.
- Southern Ry. Co. *v.* Watson (Ga.), vol. 18, p. 209.
- Baggage, a provision limiting responsibility of no effect in the absence of evidence that plaintiff's attention was specially called to it.
Wiegand *v.* Central R. Co. of New Jersey (Pa.), vol. 5, p. 61.
- Carrier must show passenger's assent to conditions in ticket.
Ranchau *v.* Rutland R. Co. (Vt.), vol. 14, p. 416.
- Employee's ticket limiting carrier's liability.
Doyle *v.* Fitchburg R. Co. (Mass.), vol. 5, p. 257.
- Estopped by acceptance and use to take advantage of failure to sign ticket limiting liability.
St. Clair *v.* Kansas City, M. & B. R. Co. (Miss.), vol. 20, p. 426.
- Freight train.
Central of Georgia Ry. Co. *v.* Lippman (Ga.), vol. 18, p. 640.
- Limiting liability to own line by selling ticket containing stipulation.
St. Clair *v.* Kansas City, M. & B. R. Co. (Miss.), vol. 20, p. 426.
- Limiting purchaser's right against the company, construction of contract.
Georgia R. & B. Co. *v.* Clarke (Ga.), vol. 5, p. 219.
- Passenger on stock car.
Illinois Cent. R. Co. *v.* Beebe (Ill.), vol. 11, p. 163.
- Passenger on stock car, Iowa rule.
Illinois Cent. R. Co. *v.* Beebe (Ill.), vol. 11, p. 163.
- Validity of time limit where thousand mile tickets are issued.
Smith *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 8, p. 497.
- Whether passenger's assent to limitations of carriers liability for baggage is conclusively presumed from his acceptance of receipt.
Merrill *v.* Pacific Transfer Co. (Cal.), vol. 21, p. 143.

TICKETS AND FARES—*Continued.*

Lost ticket, excuse where ticket is lost.

Rogers *v.* Atlantic City R. Co. (N. J.), vol. 3, p. 283.

Mileage books, right of conductor to determine from what part of book coupons should be taken.

Eaton *v.* McIntire (Me.), vol. 4, p. 205.

Mistakes of Agents.

Scott *v.* Cleveland, C., C. & St. L. R. Co. (Ind.), vol. 3, p. 428.

Ejection of passenger, mistake of agent.

Alabama & V. Ry. Co. *v.* Holmes (Miss.), vol. 10, p. 270.

Louisville & N. R. Co. *v.* Breckinridge (Ky.), vol. 3, p. 428.

Forcible ejection from train where agent has made a mistake in ticket sold to passenger.

Louisville & N. R. Co. *v.* Gaines (Ky.), vol. 5, p. 226.

Liability of carrier for ejection of passenger given wrong ticket by agent.

Spink *v.* Louisville & N. R. Co. (Ky.), vol. 16, p. 86.

Mistake of station agent.

Ellsworth *v.* Chicago, Burlington, etc., R. Co. (Iowa), vol. 2, p. 80.

Necessity of right to stop-over privileges in securing stop-over check.

Dixon *v.* New England R. R. (Mass.), vol. 22, p. 10.

Nonpayment for ticket when received, effect upon passenger's rights.

Ellsworth *v.* Chicago, Burlington, etc., R. Co. (Iowa), vol. 2, p. 80.

Overcharge, voluntary payment of as effecting recovery of statutory penalty.

Missouri Pacific Ry. Co. *v.* Smith (Ark.), vol. 2, p. 89.

Parol evidence not admissible to vary printed condition as to time limit in round trip tickets.

Walker *v.* Price (Kan.), vol. 20, p. 432.

Passenger who had not paid the fare due for the last part

of the journey was injured in going over such last part, *held*, that he is not thereby prevented from recovering. Chicago, R. I. & P. Ry. Co. *v.* Lee (C. C. A.), vol. 14, p. 264.

Passes.

Curry *v.* Kansas, etc., Ry. Co. (Kan.), vol. 8, p. 755.

Exemption from liability in pass-validity.

Williams *v.* Oregon Short Line R. Co. (Utah), vol. 12, p. 61.

Kansas statute requiring, free passage for shippers of live stock not applicable to interstate shipments.

State *v.* Otis (Kan.), vol. 12, p. 850.

Liability of purchaser of railroad for life passes issued by predecessor.

Missouri Pac. Ry. Co. *v.* Henrie (Kan.), vol. 6, p. 790.

Limiting of liability.

Chicago, R. I. & P. Ry. Co. *v.* Posten (Kan.), vol. 11, p. 138.

Power of legislature to fix maximum rates.

Smith *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 8, p. 497.

Presumptions.

Daniels *v.* Florida Cent. & P. R. Co. (S. Car.), vol. 23, p. 107.

Purchase of ticket not prerequisite to relation of passenger under Arkansas statute.

St. Louis & S. F. R. Co. *v.* Kilpatrick (Ark.), vol. 17, p. 212.

Rate of army transportation fixed by congress.

Atlantic, etc., R. Co. *v.* United States (U. S.), vol. 6, p. 776.

Rate of redemption of excursion ticket.

Ft. Worth & D. C. Ry. Co. *v.* Cushman (Tex.), vol. 14, p. 259.

Rates, presumption as to reasonableness of.

Lake Shore & M. S. Ry. Co. *v.* Smith (U. S.), vol. 14, p. 511.

TICKETS AND FARES—Continued.

Rates, state may not discriminate in favor of certain classes of passengers.

Lake Shore & M. S. Ry. Co. *v.* Smith (U. S.), vol. 14, p. 511.

Rates, statute requiring mileage tickets.

Lake Shore & M. S. Ry. Co. *v.* Smith (U. S.), vol. 14, p. 511.

Reasonableness of by-law requiring passenger to show ticket.

Hanks *v.* Bridgman (Eng.), vol. 3, p. 656.

Regulation of rates by legislature.

St. Louis, etc., R. Co. *v.* Gill (U. S.), vol. 2, p. 63.

Right to charge increased fare for failure to procure ticket.

Coyle *v.* Southern Ry. Co. (Ga.), vol. 20, p. 529.

Right to ride on train without payment of fare, constitutional declarations that railroads are public highways.

Farber *v.* Missouri Pac. R. Co. (Mo.), vol. 2, p. 166.

Rules and Regulations of Carriers.

Church *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 1.

Ejection of passenger where passenger should have changed cars.

Church *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 2.

Failure of company to notify passenger of regulation requiring passage upon most direct route.

Church *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 1.

Failure to notify passenger of change of cars at distant junction.

Church *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 1.

Reasonableness.

Church *v.* Chicago, Milwaukee, etc., R. Co. (S. Dak.), vol. 2, p. 1.

Season Tickets.

How far acceptance of season ticket on a certain trip is

TICKETS AND FARES—Continued.

waiver of right to fare for subsequent like trip.

New York & New England Railroad Co. *v.* Feely (Mass.), vol. 2, p. 103.

Statute requiring carrier to furnish tickets repealed by implication.

Robinson *v.* Southern Pacific Co. (Cal.), vol. 2, p. 44.

Ticket holder taking wrong train by mistake.

New York & New England Railroad Co. *v.* Feely (Mass.), vol. 2, p. 103.

Train not stopping at ticket destination.

New York & New England Railroad Co. *v.* Feely (Mass.), vol. 2, p. 103.

Stop-Over Privileges.

Robinson *v.* Southern Pacific Co. (Cal.), vol. 2, p. 44.

Authority of conductor to grant stop-over privileges.

International & G. N. R. Co. *v.* Best (Tex.), vol. 17, p. 153.

Conflict between date on actual date of sale.

Ellsworth *v.* Chicago, Burlington, etc., R. Co. (Iowa), vol. 2, p. 80.

Who may recover penalty for refusal to sell tickets conferring stop-over privileges provided for by California statute.

Southern Pac. Co. *v.* Robinson (Cal.), vol. 21, p. 160.

Sufficiency of evidence of right to return passage.

Daniels *v.* Florida Cent. & P. R. Co. (S. Car.), vol. 23, p. 107.

Tender of fare after expulsion. Louisville & N. R. Co. *v.* Breckinridge (Ky.), vol. 3, p. 428.

Tender of large amount.

Barker *v.* Central Park, N. & E. R. Co. (N. Y.), vol. 6, p. 686.

Tender of \$5 to street railway conductor, reasonableness.

Barker *v.* Central Park, N. & E. R. Co. (N. Y.), vol. 6, p. 686.

Thousand-mile tickets.

Smith *v.* Lake Shore & M. S. Ry. Co. (Mich.), vol. 8, p. 496.

TICKETS AND FARES—*Continued.*

Ticket conclusive evidence of passenger's rights.

Trezona v. Chicago G. W. Ry. Co. (Iowa), vol. 12, p. 104.

Ticket void on its face confers no right on holder.

Trezona v. Chicago G. W. Ry. Co. (Iowa), vol. 12, p. 104.

Time Limit.

Boyd v. Spencer (Ga.), vol. 11, p. 247.

Coburn v. Morgan's Louisiana & T. R. Co. (La.), vol. 21, p. 402.

Ejection of passenger where ticket was limited to a particular time stamped upon.
McGhee v. Drisdale (Ala.), vol. 6, p. 774.

Notice to passenger of time limit of ticket.

Boyd v. Spencer (Ga.), vol. 11, p. 247.

Parol evidence not admissible to vary printed condition as to time limit in round-trip tickets.

Walker v. Price (Kan.), vol. 20, p. 432.

Regulation limiting period of ticket is reasonable where it provides for refunding the price of the ticket, or any unused part, if not used within the limited period.

Southern Ry. Co. v. Watson (Ga.), vol. 18, p. 209.

Right to eject passenger where the time limit of his ticket has expired.

Southern Ry. Co. v. Watson (Ga.), vol. 18, p. 209.

Validity of time limit where thousand-mile tickets are issued.

Smith v. Lake Shore & M. S. Ry. Co. (Mich.), vol. 8, p. 497.

Waiver of time limitation.

Hanlon v. Illinois Cent. R. Co. (Iowa), vol. 16, p. 101.

Transfer of mileage book.

Rahilly v. St. Paul, etc., R. Co. (Minn.), vol. 5, p. 690.

Use of ticket at station beyond which it is available.

Great Northern Railway Co. v. Palmer (Eng.), vol. 2, p. 99.

Validity of condition as to forfeiture of mileage books.

Eastman v. Maine Cent. R. R. Co. (N. H.), vol. 17, p. 203.

TICKETS AND FARES—*Continued.*

Validity of conditions in round-trip tickets.

Mitchell v. Southern R. Co. (Miss.), vol. 18, p. 126.

Validity of stipulation in return ticket requiring identification.

Wenz v. Savannah, F. & W. Ry. Co. (Ga.), vol. 15, p. 844.

Who may recover penalty for refusal to sell tickets conferring stop-over privileges provided for by California statute.
Southern Pac. Co. v. Robinson (Cal.), vol. 21, p. 160.

TIMBER.

See Public Lands.

Cutting timber for railroad from public lands adjacent to right of way.

Bachelor v. United States (C. C. A.), vol. 9, p. 878.

TOLLS.

See Bridges.

TOOLS.

See Master and Servant.

TORTS.

See Actions.

Assaults.

Carriers of Passengers.

Fellow Servants.

Leases.

Master and Servant.

Action in tort or contract for injury to passenger.

Atlantic & P. Ry. Co. v. Laird (U. S.), vol. 8, p. 365.

Assignment of right of action for.

Atchison, T. & S. F. R. Co. v. Kansas Farmer's Ins. Co.

(Kan. App.), vol. 11, p. 847.

Injury to passenger by insane person.

St. Louis, etc., R. Co. v. Greenthal (C. C. A.), vol. 6, p. 261.

Liability of purchasing railroad for tort committed prior to transfer of purchased railroad.

Pennison v. Chicago, M. & St. P. R. Co. (Wis.), vol. 4, p. 573.

Priority between railroad mortgage and judgment for tort committed after execution of mortgage.

Green v. Coast Line R. Co. (Ga.), vol. 4, p. 150.

TOWNSHIPS.

Consent to use of highways by railroad.

Pennsylvania Railroad Co. v. Montgomery County Passenger Railway Co. (Pa.), vol. 1, p. 190.

TRACK RENTALS.

See Receivers.

TRACKS.

*See Carriers of Passengers.
Master and Servant.
Street Railways.
Trespassers.*

Duty of engineer to keep careful lookout on track.

Gunn v. Ohio River R. Co. (W. Va.), vol. 6, p. 275.

Expert testimony as to what constitutes a safe condition of tracks, in action for injury to brakeman caused by gravel piled in station yard.

Hurst v. Kansas City, P. & G. R. Co. (Mo.), vol. 21, p. 899.

Inspection of.

Cox v. Chicago & N. W. Ry. Co. (Iowa), vol. 9, p. 604.

Joint use of tracks.

Union Pac. Ry. Co. v. Chicago, etc., R. Co. (U. S.), vol. 6, p. 2.

Liability of master for injury to servant caused by defect in track of another company.

Story v. Concord & M. R. R. (N. H.), vol. 20, p. 91.

Liability to other company for negligence, where track is used in common.

Central Trust Co. of New York, v. Denver, etc., R. Co. (C. C. A.), vol. 19, p. 513.

Prima facie evidence of ownership of track.

Central of Georgia Ry. Co. v. Wood (Ala.), vol. 20, p. 906.

Right of trespasser to complain of defect.

Cleveland T. & V. R. Co. v. Marsh (Ohio), vol. 20, p. 54.

Right to cross track of another company.

Northern Cent. R. Co. v. Harrisburg & M. Electric R. Co. (Pa. St.), vol. 6, p. 151.

Right to enjoin use of tracks by another company.

Alabama M. R. Co. v. Southern Ry. Co. (Ala.), vol. 10, p. 112.

TRAFFIC AGREEMENTS.

*See Carriers of Freight.
Carriers of Goods.*

TRAFFIC ASSOCIATION.

See Interstate Commerce.

TRAIN DISPATCHER.

See Master and Servant.

TRANSFER SERVICE.

See Carriers of Goods.

TRANS-MISSOURI DECISIONS.

United States v. Trans-Missouri Freight Association (U. S.), vol. 7, p. 388.

TRANSPORTATION SERVICE.

See Carriers of Goods.

TREES.

See Highways.

Action by a railroad company to compel the removal of trees near its right of way.

Louisville & N. R. Co. v. Johnson (Ky.), vol. 6, p. 729.

Injuries to trees by fires caused by locomotives.

Missouri, etc., Ry. Co. v. Lycan (Kan.), vol. 6, p. 781.

TRESPASS.

See Children.

Damages.

Stock.

Water and Watercourses.

Error in admitting evidence as to what was offered for strip across land for railroad, where there was no evidence of authority on the part of the one making offer.

Sweeney v. Montana Cent. Ry. Co. (Mont.), vol. 22, p. 541.

Injunction against trespass by railroad modified after condemnation of right of way.

Southern California R. Co. v. Southern Pac. R. Co. (Cal.), vol. 3, p. 446.

Injury to trespasser on track.

Louisville, etc., R. Co. v. Wade (Ky.), vol. 5, p. 371.

It was not error on the ground that jury did not understand the situation to admit evidence of value of adjoining land.

Sweeney v. Montana Cent. Ry. Co. (Mont.), vol. 22, p. 540.

TRESPASS—Continued.

- Municipal ordinance no justification for prior trespass.
- Southern California R. Co. *v.* Southern Pac. R. Co. (Cal.), vol. 3, p. 450.
- Occupation of land by railroad track.
- Hanlon *v.* Union Pacific Railroad Co. (Neb.), vol. 1, p. 701.
- Opinion evidence as to market value.
- Sweeney *v.* Montana Cent. Ry. Co. (Mont.), vol. 22, p. 541.

TRESPASSERS.

See Accidents on Track.

Assaults.

Carriers of Passengers.

Children.

Drunkenness.

Licensees.

Tracks.

- Accident from catching foot in switch.
- International & G. N. R. Co. *v.* Lee (Tex. Civ. App.), vol. 3, p. 434.
- Assumption of risk in going upon premises of another.
- Settoon *v.* Texas & Pac. R. Co. (La. Ann.), vol. 4, p. 219.
- Authority of brakeman to eject, effect of secret instructions.
- Illinois Cent. R. Co. *v.* West (Ky.), vol. 21, p. 239.
- Authority of brakeman to eject trespassers.
- Chesapeake & O. R. Co. *v.* Anderson (Va.), vol. 9, p. 136.
- Authority of engineer to eject.
- Galveston, H. & S. A. Ry. Co. *v.* Zantzinger (Tex.), vol. 16, p. 679.
- Care due from company to trespasser.
- Baltimore & O. R. Co. *v.* Hellenthal (C. C. A.), vol. 13, p. 774.
- Southern Ry. Co. *v.* Bush (Ala.), vol. 19, p. 46.
- Care due in ejecting cripple.
- Young *v.* Texas & P. Ry. Co. (La.), vol. 14, p. 831.
- Care required in ejecting trespasser from train.
- Cook *v.* Southern Ry. Co. (N. Car.), vol. 21, p. 591.
- Care to be observed by company and by trespasser.
- Bias *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 13, p. 616.

TRESPASSERS—Continued.**Children.**

Child sixteen months of age may be trespasser on track, but cannot be guilty of contributory negligence.

Mason *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 84.

Duty of company to child trespassing on track near crossing.

Brague *v.* Northern Cent. Ry. Co. (Pa.), vol. 15, p. 594.

Not bound to keep lookout for trespassers.

Alabama Great Southern R. Co. *v.* Moorner (Ala.), vol. 9, p. 742.

Company liable for negligent ejection of trespasser at perilous place.

Young *v.* Texas & P. Ry. Co. (La.), vol. 14, p. 831.

Contributory Negligence.

Reidel *v.* Philadelphia, W. & B. R. Co. (Md.), vol. 10, p. 91.

A person walking at night on a railway track at a place customarily used by the public as a walking way is not required to be on the lookout for cars having no light or other proper signal given to warn him of their approach.

Stanley *v.* Durham & N. R. Co. (N. Car.), vol. 9, p. 208.

Care required of while crossing railroad trestle.

Provost *v.* Yazoo & M. V. R. Co. (La.), vol. 18, p. 764.

Contributory negligence of trespasser on track.

Pharr *v.* Southern Ry. Co. (N. Car.), vol. 6, p. 726.

Failure of deceased to leave track after signal given.

Sinclair *v.* Chicago, B. & K. C. Ry. Co. (Mo.), vol. 3, p. 269.

Gross negligence towards trespasser gives right of recovery notwithstanding contributory negligence.

Bolin *v.* Chicago, etc., Ry. Co. (Wis.), vol. 19, p. 735.

TRESPASSERS—*Continued.*

- Intoxication no excuse for contributory negligence of trespasser on track.
 St. Louis, I. M. & S. Ry. Co. *v.* Jordan (Ark.), vol. 13, p. 681.
- Nonsuit in action for killing trespasser sitting on end of cross-tie.
 Upton *v.* S. Car. & G. E. Ry. Co. (N. Car.), vol. 21, p. 242.
- Riding in dangerous place on freight train without invitation.
 Menaugh *v.* Bedford Belt Ry. Co. (Ind.), vol. 22, p. 1.
- Risks assumed by trespasser on railroad bridge.
 Provost *v.* Yazoo & M. V. R. Co. (La.), vol. 18, p. 764.
- Sitting down on track.
 Smith *v.* Ga. R. & Banking Co. (Ga.), vol. 21, p. 20.
- Trespasser forced by pain and fear to jump from train not guilty of contributory negligence.
 Galveston, H. & S. A. Ry. Co. *v.* Zantzinger (Tex.), vol. 13, p. 840.
- Walking on track will not necessarily prevent recovery although plaintiff when injured was a trespasser under Mo. Rev. St. 1889, sec. 2611.
 Morgan *v.* Wabash R. Co. (Mo.), vol. 20, p. 372.
- Crossing signals not intended for protection of person on track elsewhere than at crossing, for his own convenience.
 Huff *v.* Chesapeake & O. Ry. Co. (W. Va.), vol. 17, p. 762.
- Deceased killed on track where employees could have seen him for two thousand feet.
 Chamberlain *v.* Missouri Pacific Railway Co. (Mo.), vol. 3, p. 401.
- Degree of care to be exercised in stopping train to prevent injury to.
 Texas & P. Ry. Co. *v.* Harby (C. C. A.), vol. 15, p. 737.
- Direction of verdict for defendant where injury to trespasser.
 Sheehan *v.* St. Paul & D. Ry. Co. (C. C. A.), vol. 8, p. 128.

TRESPASSERS—*Continued.*

- Distinction between care due in running a train towards a trespasser and a passenger.
 St. Louis, I. M. & S. Ry. Co. *v.* Beecher (Ark.), vol. 10, p. 557.
- Due care in running trains.
 St. Louis, I. M. & S. Ry. Co. *v.* Beecher (Ark.), vol. 10, p. 557.
- Duty of engineer.
 Nelling *v.* Chicago, St. P. & K. C. R. Co. (Iowa), vol. 4, p. 539.
- Duty of engineer when he sees person on track.
 Florida, etc., R. Co. *v.* Williams (Fla.), vol. 5, p. 709.
- Duty of person on track to avoid danger.
 Louisville & N. R. Co. *v.* Taafe (Ky.), vol. 15, p. 693.
- Duty of railroad company to trespasser on bridge.
 Pierce *v.* Walters (Ill.), vol. 8, p. 672.
- Duty of railroad to person riding on freight train by sufferance of trainmen.
 Dalton *v.* Louisville & N. R. Co. (Ky.), vol. 17, p. 768.
- Duty of railroad to trespasser on track.
 Jackson *v.* Kansas City, etc., R. Co. (Mo.), vol. 19, p. 99.
- Texas & P. Ry. Co. *v.* Roberts (Tex.), vol. 10, p. 727.
- Duty of trainmen to person seen on track.
 Louisville & N. R. Co. *v.* Taafe (Ky.), vol. 15, p. 693.
- Duty of trainmen to persons upon track in populous neighborhood.
 Chamberlain *v.* Missouri Pacific Railway Co. (Mo.), vol. 3, p. 401.
- Duty of trainmen to trespasser asleep on track.
 New York, N. H. & H. R. Co. *v.* Kelly (C. C. A.), vol. 13, p. 816.
- Duty of trainmen to trespasser on track.
 Louisville & N. R. Co. *v.* Tinkham (Ky.), vol. 13, p. 800.
- Missouri Pac. Ry. Co. *v.* Prewitt (Kan.), vol. 13, p. 807.
- Sheehan *v.* St. Paul & D. Ry. Co. (C. C. A.), vol. 8, p. 128.

TRESPASSERS—Continued.

Duty owing to a trespasser who is in a perilous place.

Thomas *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 9, p. 854.

Duty to look out for trespassers on track.

Thomas *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 21, p. 586.

Duty to maintain lookout where track has been used as foot path for twenty-five years.

Morgan *v.* Wabash R. Co. (Mo.), vol. 20, p. 372.

Duty to stop train when person on track is apparently unconscious of danger.

McCall *v.* Southern Ry. Co. (N. Car.), vol. 23, p. 760.

Duty to trespassers.

Tully *v.* Philadelphia, etc., R. Co. (Del.), vol. 23, p. 209.

Duty to trespassers in switch yard.

Louisville & N. R. Co. *v.* Hocker (Ky.), vol. 23, p. 522.

Duty to trespassers on right of way.

Cleveland, C., C. & St. Ry. Co. *v.* Tartt (C. C. A.), vol. 18, p. 226.

Duty of trespassers on track.

Grady *v.* Georgia R. R. & Banking Co. (Ga.), vol. 20, p. 400.

Louisville & N. R. Co. *v.* Vittitoe (Ky.), vol. 8, p. 666.

Thomas *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 21, p. 586.

Ward *v.* Illinois C. R. Co. (Ky.), vol. 18, p. 689.

Duty to trespasser on train.

Leonard *v.* Boston & A. R. R. (Mass.), vol. 13, p. 825.

Duty to trespasser seen on railroad bridge.

Becker *v.* Louisville & N. R. Co. (Ky.), vol. 20, p. 803.

Duty to trespasser seen on track.

Thomas *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 21, p. 586.

Effect of abandonment of theory of case in action for injury to trespasser claiming to be passenger.

Merrieles *v.* Wabash R. Co. (Mo.), vol. 22, p. 158.

TRESPASSERS—Continued.**Ejection.**

Farber *v.* Missouri Pac. Ry. Co. (Mo.), vol. 7, p. 700.

St. Louis S. W. R. Co. *v.* Huffman (Tex. Civ. App.), vol. 2, p. 157.

St. Louis & S. F. R. Co. *v.* Kilpatrick (Ark.), vol. 17, p. 212.

Thurman *v.* Louisville & N. R. Co. (Ky.), vol. 3, p. 651.

Assault on ejected trespasser. Galveston, H. & S. A. Ry. Co. *v.* Zantzinger (Tex.), vol. 13, p. 840.

Authority of brakeman to eject.

Welsh *v.* West Jersey & S. R. Co. (N. J.), vol. 15, p. 674.

Authority of conductor to eject trespassers.

Highland Ave. & B. R. Co. *v.* Robinson (Ala.), vol. 19, p. 357.

Contributory negligence as a defense where injury was caused by wilful negligence.

Illinois Cent. R. Co. *v.* King (Ill.), vol. 13, p. 829.

Ejection from moving train. Chesapeake & O. R. Co. *v.* Anderson (Va.), vol. 9, p. 136.

Ejection of trespasser by servant in wrongful manner renders master liable.

Pierce *v.* North Carolina R. Co. (N. Car.), vol. 13, p. 666.

Lessor's liability for wrongful manner of ejection by lessee's servant.

Pierce *v.* North Carolina R. Co. (N. Car.), vol. 13, p. 666.

Liability for ejecting trespasser from moving train.

Cook *v.* Southern Ry. Co. (N. Car.), vol. 21, p. 591.

Liability for ejection of drunken trespasser at perilous place.

Fagg *v.* Louisville & N. R. Co. (Ky.), vol. 22, p. 171.

Liability for ejection of trespasser from moving train by brakeman acting without authority.

Cook *v.* Southern Ry. Co. (N. Car.), vol. 21, p. 591.

TRESPASSERS—Continued.

- Liability for injury to boy trespasser in railroad yard.
Bledsoe v. Grand Trunk Ry. Co. (Mich.), vol. 20, p. 927.
- Liability for injury to infant trespasser ejected from moving train.
Enright v. Pittsburg Junction R. Co. (Penn.), vol. p. 20, 564.
- Liability for injury to trespasser forcibly ejected from train.
Jackson v. St. Louis S. W. Ry. Co. (La.), vol. 18, p. 444.
- Liability for injury to trespasser ordered from moving car.
Mugford v. Boston & M. R. R. (Mass.), vol. 16, p. 684.
- Liability for violent ejection from moving train of trespasser who has been repeatedly ordered off.
Johnson v. Chicago, St. P., M. & O. Ry. Co. (Iowa), vol. 15, p. 683.
- Liability of company for assault upon trespasser after ejection.
Elliot v. Louisville & N. R. Co. (Ky.), vol. 15, p. 805.
- Liability of company for injuries.
Wabash R. Co. v. Kingsley (Ill.), vol. 13, p. 835.
- Liability of company for use by servant of excessive force.
Welsh v. West Jersey & S. R. Co. (N. J.), vol. 15, p. 674.
- Liability of master for manner in which servant ejected person from car.
Rowell v. Boston & M. R. Co. (N. H.), vol. 16, p. 571.
- No recovery for injuries caused by mere negligence in ejecting, where complaint is based upon wanton negligence.
Wabash R. Co. v. Kingsley (Ill.), vol. 13, p. 835.
- Of trespassers no ground for recovery.
Trezona v. Chicago G. W. Ry. Co. (Iowa), vol. 12, p. 104.

TRESPASSERS—Continued.

- Ordering from moving train does not tend to show intent to wilfully injure.
Bolin v. Chicago, etc., Ry. Co. (Wis.), vol. 19, p. 735.
- Question for jury whether trespasser was injured by jumping from moving train.
Cook v. Southern Ry. Co. (N. Car.), vol. 21, p. 591.
- Scope of brakeman's duty.
Chesapeake & O. R. Co. v. Anderson (Va.), vol. 9, p. 136.
- Illinois Cent. R. Co. v. King* (Ill.), vol. 13, p. 829.
- Scope of brakeman's employment, exclusion of trespasser.
Farber v. Missouri Pac. Ry. Co. (Mo.), vol. 7, p. 700.
- Sufficiency of demurrer failing to negative waiver of condition on ticket requiring continuous passage.
Louisville & N. R. Co. v. Bizzell (Ala.), vol. 23, p. 615.
- Sufficiency of evidence of, where men were found unconscious near track.
Morris v. Louisville & N. R. Co. (Ky.), vol. 20, p. 368.
- Sufficiency of evidence to warrant inference of intent to wilfully injure trespasser on train.
Bolin v. Chicago, etc., Ry. Co. (Wis.), vol. 19, p. 735.
- That rules of company forbidding brakemen to eject trespassers were mere pretexts.
Houston & T. C. Ry. Co. v. Rutherford (Tex.), vol. 21, p. 710.
- Trespasser on train forced by pain and fear to jump, not guilty of contributory negligence.
Galveston, H. & S. A. Ry. Co. v. Zantzinger (Tex.), vol. 13, p. 840.
- Unnecessary force.
Farber v. Missouri Pac. Ry. Co. (Mo.), vol. 7, p. 700.
- Higgins v. Southern Ry. Co.* (Ga.), vol. 5, p. 694.
- St. Louis S. W. R. Co. v. Huffman* (Tex. Civ. App.), vol. 2, p. 157.

TRESPASSERS—Continued.

While train is in motion.

Farber *v.* Missouri Pac.
Ry. Co. (Mo.), vol. 7, p.
700.

Willful negligence of train-
men.

Illinois Cent. R. Co. *v.*
King (Ill.), vol. 13, p.
829.

Employment of trespasser at
time of accident.

Louisville & N. R. Co. *v.*
Vittitoe (Ky.), vol. 8, p.
666.

Evidence.

Evidence as to apparent help-
lessness of trespasser sit-
ting on end of cross-tie.

Upton *v.* S. Car. & G. E.
Ry. Co. (N. Car.), vol. 21,
p. 242.

Evidence that track was used
as footpath.

Hord *v.* Southern Ry. Co.
(N. Car.), vol. 23, p.
756.

McCall *v.* Southern Ry.
Co. (N. Car.), vol. 23, p.
760.

Sufficiency of evidence of
failure to use due care after
discovering his peril to
support verdict for plaintiff
in action for injuries sus-
tained by him while riding
on freight train.

Merrieles *v.* Wabash R. Co.
(Mo.), vol. 22, p. 158.

Wantonness on part of train-
men may be shown by cir-
cumstantial evidence.

Southern Ry. Co. *v.* Bush
(Ala.), vol. 19, p. 46.

Failure to check speed after
trespassers were seen on
bridge, question for jury.
Becker *v.* Louisville & N.
R. Co. (Ky.), vol. 20, p.
803.

Failure to exercise ordinary
care to avoid injuring tres-
passer on track in position
of peril is wanton negligence.
Sloniker *v.* Great Northern
Ry. Co. (Minn.), vol. 13,
p. 819.

Failure to give signals at cross-
ings.

Louisville & N. R. Co. *v.*
Vittitoe (Ky.), vol. 8, p.
666.

Failure to use due care after

TRESPASSERS—Continued.

discovering peril of tres-
passer on train as negligence.
Merrieles *v.* Wabash R. Co.
(Mo.), vol. 22, p. 158.

Failure to use due care after
discovering trespasser's
peril.

Merrieles *v.* Wabash R. Co.
(Mo.), vol. 22, p. 158.

Following path by railroad and
finding obstruction by com-
pany on the path, injury by
approaching train.

Grimmer *v.* Pennsylvania R.
Co. (Pa.), vol. 3, p. 609.

Harmless error in instruction as
to duty to person on track.

McCall *v.* Southern Ry. Co.
(N. Car.), vol. 23, p. 760.

Injury caused after defendant
had notice of plaintiff's
danger.

Tucker *v.* Norfolk & W. R.
Co. (Va.), vol. 3, p. 651.

Injury received when ejected
in a proper manner while
attempting to board a mov-
ing freight car.

Louisville & N. R. Co. *v.*
Bernard (Ky.), vol. 6, p.
55.

Injury to trespasser rescuing
child on bridge.

Pierce *v.* Walters (Ill.), vol.
8, p. 672.

Injury while walking along
track.

St. Louis, etc., R. Co. *v.*
Dingman (Ark.), vol. 4,
p. 261.

Instruction as to burden of
proving exercise of due care
by plaintiff.

Chicago, B. & O. R. Co. *v.*
Murowski (Ill.), vol. 15,
p. 697.

Intoxication.

Intoxicated trespasser struck
by train while sitting on
railway track, liability.

Price *v.* Philadelphia, W.
& B. R. Co. (Md.), vol.
7, p. 115.

Intoxication, duty of railroad
upon discovering condition
of trespasser on track.

St. Louis, I. M. & S. Ry.
Co. *v.* Jordan (Ark.),
vol. 13, p. 681.

Killing persons sleeping on
track, nonsuit.

Parish *v.* Western & A. R.
Co. (Ga.), vol. 10, p. 574.

TRESPASSERS—Continued.

- Liability for injury to trespasser induced to pass through obstructing train by statements of brakeman. *Davis v. Concord & M. R. R.* (N. H.), vol. 19, p. 68.
- Liability for injury to trespasser injured under car while attempting to avoid missiles thrown by brakeman.
- Dorsey v. Kansas City, P. & G. Ry. Co.* (La.), vol. 20, p. 67.
- Liability for injury to trespasser on track.
- Dyche v. Vicksburg, S. & P. R. Co.* (Miss.), vol. 23, p. 526.
- Liability for injury to trespasser on track as affected by delay in obtaining medical attendance.
- Dyche v. Vicksburg, S. & P. R. Co.* (Miss.), vol. 23, p. 526.
- Liability for injury to trespasser on train.
- Cincinnati, etc., R. Co. v. Jackson* (Ky.), vol. 23, p. 216.
- Liability of railroad company for injury to trespasser stealing a ride.
- Handley v. Missouri Pac. Ry. Co.* (Kan.), vol. 16, p. 674.
- Liability of railroad for killing trespasser on track.
- Texas & P. Ry. Co. v. Staggs* (Tex.), vol. 8, p. 197.
- Lookouts, no duty to look out for trespassers on track.
- Egan v. Montana Cent. Ry. Co.* (Mont.), vol. 20, p. 72.
- May eject from moving train.
- Bolin v. Chicago, etc., Ry. Co.* (Wis.), vol. 19, p. 735.
- Negligence and contributory negligence.
- Louisville & N. R. Co. v. Hocker* (Ky.), vol. 23, p. 522.
- Notice to superintendent of peril of helpless trespasser on track as notice to company.
- Fagg v. Louisville & N. R. Co.* (Ky.), vol. 22, p. 171.
- Pleading justification in action for ejection of.
- Wright v. Union R. Co.* (R. I.), vol. 18, p. 234.
- Pleading wantonness and recklessness in action for ejection

TRESPASSERS—Continued.

- tion of trespasser from train.
- Highland Ave. & B. R. Co. v. Robinson* (Ala.), vol. 19, p. 357.
- Pleading wilful negligence in action for injury to.
- Cleveland, C., C. & St. L. Ry. Co. v. Taritt* (C. C. A.), vol. 18, p. 226.
- Presumptions.**
- Presumption as to leaving track to escape train.
- Southern Ry. Co. v. Bush* (Ala.), vol. 19, p. 46.
- Presumption as to negligence of company where trespasser was found dead near track.
- Louisville, St. L. & T. Ry. Co. v. Terry* (Ky.), vol. 13, p. 770.
- Presumption of negligence.
- McVey v. Chesapeake & O. Ry. Co.* (W. Va.), vol. 13, p. 788.
- Presumption that person seen on track has ordinary faculties.
- Smith v. Ga. R. & Banking Co.* (Ga.), vol. 21, p. 20.
- Right to presume that person seen on track has ordinary faculties.
- Hebert v. Louisiana W. R. R.* (La.), vol. 20, p. 87.
- Right to presume that person seen on track will avoid train.
- Hebert v. Louisiana W. R. R.* (La.), vol. 20, p. 87.
- Putting on air brakes and stopping train.
- Sinclair v. Chicago, B. & K. C. Railway Co.* (Mo.), vol. 3, p. 269.
- Railroad assuming risk of injuring.
- Bias v. Chesapeake & O. Ry. Co.* (W. Va.), vol. 13, p. 616.
- Railroad not liable where there is not wanton or gross negligence for injury to one using track as footpath.
- Huff v. Chesapeake & O. Ry. Co.* (W. Va.), vol. 17, p. 762.
- Railroad only liable for injuries to trespassers on right of way when guilty of gross negligence.
- Trudell v. Grand Trunk Ry. Co.* (Mich.), vol. 20, p. 316.

TRESPASSERS—Continued.

Right to complain of defect in track.

Cleveland, T. & V. R. Co. *v.* Marsh (Ohio), vol. 20, p. 54.

Speed.

Speed in excess of ordinance.

Reidel *v.* Philadelphia, W. & B. R. Co. (Md.), vol. 10, p. 91.

Speed in violation of ordinances cannot be complained of by trespasser.

Cleveland, C., C. & St. L. Ry. Co. *v.* Tartt (C. C. A.), vol. 18, p. 226.

Trespasser on track cannot complain that train was violating ordinance regulating speed.

Ward *v.* Illinois C. R. Co. (Ky.), vol. 18, p. 689.

Trespasser on track in city limits injured by train running at excessive speed.

Schug *v.* Chicago, M. & St. P. Ry. Co. (Wis.), vol. 15, p. 705.

Sufficiency of precautions taken to avoid injuring trespasser on track is question for jury.

Texas & P. Ry. Co. *v.* Harby (C. C. A.), vol. 15, p. 737.

Sufficiency of signal.

Sinclair *v.* Chicago, B. & K. C. Ry. Co. (Mo.), vol. 3, p. 269.

Time for giving signals to warn trespasser on track.

Louisville & N. R. Co. *v.* Tinkham (Ky.), vol. 13, p. 800.

Trespasser's action for personal injuries.

Grunst *v.* Chicago, etc., R. Co. (Mich.), vol. 5, p. 373.

Waiver of rule forbidding brakeman to eject, instructions.

Houston & T. C. Ry. Co. *v.* Rutherford (Tex.), vol. 21, p. 710.

Wanton negligence resulting in injury to trespasser on track.

Alabama G. S. R. Co. *v.* Burgess (Ala.), vol. 10, p. 835.

Whistle blown within four hundred feet of deceased who was working on track.

Sinclair *v.* Chicago, B. & K. C. Railway Co. (Mo.), vol. 3, p. 269.

TRESPASSERS—Continued.**Who Are.**

Boy of a little over seven years of age playing on railroad right of way is a trespasser as a matter of law.

Trudell *v.* Grand Trunk Ry. Co. (Mich.), vol. 20, p. 316.

Ejected passenger is not a trespasser while necessarily crossing trestle.

Southern Ry. Co. *v.* Lynn (Ala.), vol. 21, p. 570.

Employee riding free by permission, but in violation of rules, is not a trespasser.

Chattanooga Rapid Transit Co. *v.* Venable (Tenn.), vol. 19, p. 768.

Mere failure to object to the crossing of right of way does not prevent persons crossing from being trespassers.

Illinois Cent. R. Co. *v.* O'Connor (Ill.), vol. 20, p. 816.

No implied license to cross tracks in railroad yard through spaces casually left between cars.

Grady *v.* Georgia R. R. & Banking Co. (Ga.), vol. 20, p. 400.

One assisting departing passenger a licensee not a trespasser.

Whitley *v.* Southern Ry. Co. (N. Car.), vol. 12, p. 210.

Passenger crossing tracks to depot is not a trespasser.

Girton *v.* Lehigh Valley R. Co. (Pa.), vol. 21, p. 157.

Pedestrian killed on track.

Texas & P. Ry. Co. *v.* Breadow (Tex.), vol. 5, p. 483.

Person crossing track of railroad in street at other place than crossing is not a trespasser.

Florida Cent. & P. R. Co. *v.* Foxworth (Fla.), vol. 13, p. 469.

Person presenting ticket void on its face and refusing to pay fare is a trespasser.

Trezona *v.* Chicago G. W. Ry. Co. (Iowa), vol. 12, p. 104.

TRESPASSERS—Continued.

Person who obtrudes himself upon a train may be a trespasser, though the company is aware of his presence and makes no objection, even though he does no damage to its property.

Littlejohn v. Richmond & D. R. Co. (S. Car.), vol. 9, p. 873.

Whether passenger on train not stopping at his station is a trespasser.

Baldwin v. Grand Trunk Ry. Co. of Canada (Mich.), vol. 23, p. 117.

TRESPASS TO TRY TITLE.

Receiver.

Houston & T. C. R. Co. v. State (Tex.), vol. 3, p. 449.

TRESTLE.

Contributory negligence.

Little v. Carolina Cent. R. Co. (N. Car.), vol. 7, p. 769.

Evidence.

Little v. Carolina Cent. R. Co. (N. Car.), vol. 7, p. 772.

Negligence.

Little v. Carolina Cent. R. Co. (N. Car.), vol. 7, p. 779.

TRIAL.

See Death by Wrongful Act.

Jurors.

New Trial.

Practice.

Verdicts.

Witnesses.

Amendment to pleadings, surprise as ground for continuance.

St. Louis, I. M. & S. Ry. Co. v. Power (Ark.), vol. 16, p. 1.

Arguments of counsel.

Chicago, etc., R. Co. v. Mochell (Ill.), vol. 23, p. 927.

Georgia & A. R. Ry. Co. v. Pound (Ga.), vol. 17, p. 398.

Hathaway v. Detroit, etc., Ry. Co. (Mich.), vol. 19, p. 714.

Robertson v. Wabash R. Co. (Mo.), vol. 16, p. 16.

Shaw v. Chicago & G. T. Ry. Co. (Mich.), vol. 18, p. 131.

TRIAL—Continued.

Arguments of counsel, right to open and close.

Willingham v. Macon & B. Ry. Co. (Ga.), vol. 21, p. 340.

Arguments of counsel with respect to failure to put witness under rule.

Louisville & N. R. Co. v. York (Ala.), vol. 23, p. 470.

Continuance.

St. Louis & S. F. R. Co. v. Kilpatrick (Ark.), vol. 17, p. 212.

Costs.

Illinois C. R. Co. v. Southern S. & C. Co. (Tenn.), vol. 18, p. 276.

Courts' comments on evidence.

Simmons v. Pennsylvania R. Co. (Pa.), vol. 21, p. 466.

Cross-examination of witness.

Galveston, H. & H. R. Co. v. Bohan (Tex.), vol. 12, p. 491.

Directing verdict.

Chicago G. W. R. Co. v. Price (C. C. A.), vol. 16, p. 324.

Neininger v. Cowan (C. C. A.), vol. 18, p. 492.

Quirouet v. Alabama G. S. Ry. Co. (Ga.), vol. 18, p. 551.

Discretion of court as to arguments and instructions.

St. Louis & S. F. R. Co. v. Kilpatrick (Ark.), vol. 17, p. 212.

Discretion of court in dispersing jury.

Central of Georgia Ry. Co. v. Hall (Ga.), vol. 18, p. 26.

Discretion of court to grant separate trials in action for injury to employee caused by defect in track of another company.

Story v. Concord & M. R. R. (N. H.), vol. 20, p. 90.

Effect of failure to produce witnesses.

Central of Georgia Ry. Co. v. Bernstein (Ga.), vol. 20, p. 952.

Effect of motion to direct verdict.

Neininger v. Cowan (C. C. A.), vol. 18, p. 492.

Effect of unsound reason for correct ruling.

Stuckey v. Atlantic Coast Line R. Co. (S. Car.), vol. 20, p. 771.

TRIAL—Continued.

- Experiments in presence of jury at scene of accident.
Bias v. Chesapeake & O. Ry. Co. (W. Va.), vol. 13, p. 616.
- Failure to object to juror being excused.
Raleigh & G. R. Co. v. Bradshaw (Ga.), vol. 22, p. 572.
- Failure to object to statement made in arguments of counsel.
Illinois Cent. R. Co. v. Radford (Ky.), vol. 23, p. 124.
- Harmless error.
Bodie v. Charleston, etc., Ry. Co. (S. Car.), vol. 22, p. 818.
- Harmless error in admission of evidence on rebuttal.
Weller v. Chicago, M. & St. P. Ry. Co. (Mo.), vol. 22, p. 61.
- Harmless error in conduct of juror in watching construction of car, in action for injury to passenger caused by defect in car.
Siemens v. Oakland, etc., Electric Ry. (Cal.), vol. 23, p. 564.
- Harmless error in rejecting plea.
Southern Ry. Co. v. Wilcox (Va.), vol. 22, p. 260.
- Impeachment of verdict for misconduct of jury.
Siemens v. Oakland, etc., Electric Ry. (Cal.), vol. 23, p. 564.
- Improper remarks of counsel as ground for new trial.
Perry v. Western North Carolina R. Co. (N. Car.), vol. 21, p. 659.
- Improper remarks of judge.
Florida Cent. & P. R. Co. v. Lucas (Ga.), vol. 16, p. 818.
- Instruction as to management of jury in case of disagreement.
Knapp v. Chicago & W. M. Ry. Co. (Mich.), vol. 13, p. 857.
- Introduction of evidence.
Thomas v. Chicago, M. & St. P. Ry. Co. (Iowa), vol. 21, p. 587.
- Issues.
Beardsley v. New York, L. E. & W. R. Co. (N. Y.), vol. 17, p. 149.
Bradley v. Ohio River & C. Ry. Co. (N. Car.), vol. 18, p. 340.

TRIAL—Continued.

- Issues in foreclosure suit.
Sioux City, O. & W. Ry. Co. v. Manhattan Trust Co. (C. A.), vol. 15, p. 430.
- Judge of city court who acts as financial agent of his county not disqualified from presiding at the trial of an action against a railroad from the fact that the county is a stockholder in the company.
Augusta Southern R. Co. v. McDade (Ga.), vol. 12, p. 548.
- Judicial discretion.
Chesapeake & O. R. Co. v. Smith (Ky.), vol. 15, p. 641.
- Judicial discretion as to continuance.
Texas & P. Ry. Co. v. Humble (C. C. A.), vol. 17, p. 83.
- Jury not entitled to possession of pleadings on retirement.
Blackmore v. Mo. Pac. Ry. Co. (Mo.), vol. 21, p. 360.
- Misconduct of counsel causing reduction of damages for injury to employee.
MacCarthy v. Whitcomb (Wis.), vol. 20, p. 860.
- Misconduct of counsel in argument, whether ground for reversal.
Illinois Cent. R. Co. v. West (Ky.), vol. 21, p. 239.
- Misconduct of jurors in visiting scene of accident without permission.
Chicago, B. & Q. R. Co. v. Oyster (Neb.), vol. 12, p. 656.
- Misconduct of parties, hysterical weeping.
Chicago & E. R. Co. v. Meech (Ill.), vol. 7, p. 667.
- Opening and closing argument.
Brunswick & W. R. Co. v. Wiggins (Ga.), vol. 22, p. 588.
- Order of proof.
Malmstrom v. Northern Pac. Ry. Co. (Wash.), vol. 12, p. 329.
- Presence of wife and children at trial in action for death by wrongful act.
Louisville & N. R. Co. v. Kelly (Ky.), vol. 7, p. 165.
- Province of jury.
Baltimore & O. S. W. Ry. Co. v. Hausman (Ky.), vol. 17, p. 237.

TRIAL—Continued.

Reading of statutes by counsel to jury.

Louisville & N. R. Co. *v.* Smith (Ky.), vol. 15, p. 613.

Reception of evidence.

Georgia R. & Banking Co. *v.* Churchill (Ga.), vol. 21, p. 17.

Reformation of issues where plaintiff has mistaken remedy.

Moseley *v.* Chicago, B. & O. R. Co. (Neb.), vol. 15, p. 426.

Remarks of counsel.

Anderson *v.* Union Term. R. Co. (Mo.), vol. 20, p. 834.

Chamberlain *v.* Lake Shore, etc., Ry. Co. (Mich.), vol. 17, p. 241.

Illinois Cent. R. Co. *v.* Josey (Ky.), vol. 20, p. 869.

Louisville & N. R. Co. *v.* McEwan (Ky.), vol. 17, p. 208.

Mackrall *v.* Omaha & St. L. R. Co. (Iowa), vol. 19, p. 59.

Mott *v.* Detroit, G. H. & M. Ry. Co. (Mich.), vol. 15, p. 113.

Schaidler *v.* Chicago & N. W. R. Co. (Wis.), vol. 15, p. 105.

Story *v.* Concord & M. R. R. (N. H.), vol. 20, p. 91.

Remarks of judge in referring to former verdict.

Nohrden *v.* Northeastern R. Co. (S. Car.), vol. 20, p. 241.

Right of counsel to exhibit diagram of engine to jury in action for fires set by locomotives.

Clisby *v.* Mobile & O. R. Co. (Miss.), vol. 22, p. 179.

Right to argue interest of witness, as an employee, to conceal his own negligence, in action for injury to another employee.

Wimber *v.* Iowa Cent. Ry. Co. (Iowa), vol. 23, p. 476.

Right to complain of failure to file abstracts and motions in time.

Trott *v.* Chicago, R. I. & P. Ry. Co. (Iowa), vol. 21, p. 391.

TRIAL—Continued.

Rulings of trial court not such as imputed to it in defendant's exceptions.

Crawford *v.* Southern Ry. Co. (S. Car.), vol. 19, p. 17.

Setting aside verdict.

Louisville & N. R. Co. *v.* Blair (Tenn.), vol. 17, p. 159.

Special findings.

Schweinfurth *v.* Cleveland, C., C. & St. L. Ry. Co. (Ohio), vol. 15, p. 73.

Special interrogatories.

Chicago North Shore St. Ry. Co. *v.* Payne (Ill.), vol. 23, p. 706.

Special verdicts.

Baxter *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 16, p. 476.

Submitting general verdict with specific questions.

Schaidler *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 15, p. 105.

Surprise as ground for new trial.

St. Louis & S. F. R. Co. *v.* Kilpatrick (Ark.), vol. 17, p. 212.

Waiver of objection to remarks of counsel.

Story *v.* Concord & M. R. R. (N. H.), vol. 20, p. 91.

Waiver of submission of question to jury.

Trimble *v.* New York Cent. & H. R. R. Co. (N. Y.), vol. 17, p. 176.

When exceptions to instructions are immaterial.

Pool *v.* Southern Pac. Co. (Utah), vol. 16, p. 551.

TROLLEY CARS.

See Crossings.

Street Railways.

Are not set apart for legal treatment in class by themselves with respect to liability for negligence.

McGrath *v.* North Jersey St. Ry. Co. (N. J.), vol. 22, p. 790.

TROLLEY POLES.

See Abutters.

TROLLEY WIRES.

See Wires.

TROVER AND CONVERSION.*See Carriers of Goods.*

Carriers of goods.

Baker v. Chicago, etc., Ry. Co. (Iowa), vol. 6, p. 772.

Carriers of live stock, liability for conversion by connecting carrier.

Little Rock, etc., Ry. Co. v. Odom (Ark.), vol. 6, p. 773.

TRUSTS.*See Interstate Commerce.***TUNNEL.***See Fences.*

Liability for falling of tunnel where employee is injured.

Louisville & N. R. Co. v. Mattingly (Ky.), vol. 8, p. 319.

TURNPIKE COMPANIES.*See Bridges.*

Lebanon & P. Turnpike Road Co. v. Purdy (Ky.), vol. 7, p. 777.

Use of turnpike by street railway.

Green v. City & Suburban Railway Co. (Md.), vol. 1, p. 198.

TURNABLES.*See Children.*

Leaving turntables unsecured and accessible to children as negligence.

East Tennessee & W. N. C. R. Co. v. Cargille (Tenn.), vol. 19, p. 282.

ULTRA VIRES.*See Carriers of Passengers.**Leases.**Railroads.**Stock and Stockholders.**Street Railways.*

Carrier estopped to plead that contract for carriage of freight was ultra vires, in action to recover for its failure to carry out such contract.

Bigelow v. Chicago, B. & N. Ry. Co. (Wis.), vol. 17, p. 341.

Carrier liable for servant's negligence though he was performing an ultra vires agreement of the carrier.

Chesapeake & O. Ry. Co. v. Howard (U. S.), vol. 17, p. 660.

ULTRA VIRES—Continued.

Contract to furnish foreign cars.

Nichols v. Oregon Short Line R. Co. (Utah), vol. 23, p. 654.

Conveyance in fee to railroad authorized to acquire easement only is valid until directly assailed by government.

Hicks, Atty. Gen., ex rel. Askew v. Smith (Wis.), vol. 20, p. 694.

Effect of ultra vires acts of plaintiff upon bill in equity.

City of Chicago v. Union Stock Yard and Transit Co. (Ill.), vol. 7, p. 491.

General rule as to ultra vires contracts.

Union Pac. Ry. Co. v. Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 1.

Power of railroad corporation to allow joint use of its tracks.

Union Pac. Ry. Co. v. Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 2.

Power of rival street railway to enjoin ultra vires act.

New England R. Co. v. Central Railway & Electric Co. (Conn.), vol. 8, p. 261.

Ratification of corporate contract by board of directors.

Union Pac. Ry. Co. v. Chicago, etc., Ry. Co. (U. S.), vol. 6, p. 3.

Ratification of ultra vires lease for remainder of term by subsequent legislation.

Terre Haute & I. R. Co. v. Cox (C. C. A.), vol. 19, p. 327.

Relief associations.

Eckman v. Chicago, B. & O. R. Co. (Ill.), vol. 9, p. 308.

Maine v. Chicago, B. & O. R. Co. (Iowa), vol. 9, p. 299.

UNAUTHORIZED ACTS OF EMPLOYEES.*See Carriers of Passengers.*
*Master and Servant.***UNAVOIDABLE.***See Negligence.***UNION DEPOTS.***See Carriers of Passengers.*
Stations.

Mixed trains, made up in part of a passenger equipment and in part of freight cars, used for the transportation of passengers, are "passenger trains,"

UNION DEPOTS—Continued.

within the meaning of defendant's articles of association and of its "lease contract" with the plaintiff; and the defendant is required to furnish such trains reasonable passenger depot facilities and service.

Chicago G. W. Ry. Co. *v.* St. Paul Union Depot Co. (Minn.), vol. 7, p. 679.

Power of union depot company to regulate use of depot.

Chicago G. W. Ry. Co. *v.* St. Paul Union Depot Co. (Minn.), vol. 7, p. 679.

Right to rely upon information received from agent at a union depot.

Turner *v.* Great Northern R. Co. (Wash.), vol. 5, p. 238.

Validity of by-law excluding mixed trains from union depot.

Chicago G. W. Ry. Co. *v.* St. Paul Union Depot Co. (Minn.), vol. 7, p. 679.

URINE.

Examination of urine.

Cleveland, C., C. & St. L. Ry. Co. *v.* Huddleston (Ind.), vol. 7, p. 553.

USAGES AND CUSTOMS.

Bills of lading, custom at place of delivery as affecting rights under the original bill of lading.

Midland National Bank *v.* Missouri Pacific Railway Co. (Mo.), vol. 2, p. 586.

Carriers of goods, effect of usages and customs upon carriers' liability.

Meloche *v.* Chicago, M. & St. P. Ry. Co. (Mich.), vol. 10, p. 82.

Evidence as to custom of other roads in discharging passengers.

Klein *v.* Jewett (N. J. Eq.), vol. 2, p. 283.

Evidence of usage of a railroad company that one train should not enter station while another train is delivering passengers.

Floytrup *v.* Boston & Maine R. Co. (Mass.), vol. 2, p. 273.

In an action to recover for injuries received by an employee through the collision of a hand car and a train, where no question was raised as to the right of precedence of the train, there was no prejudice

USAGES AND CUSTOMS—Continued.

to the defendant from the exclusion of evidence as to the rules and customs on other railroads as to such precedence.

Woodward Iron Co. *v.* Hernndon (Ala.), vol. 7, p. 124.

Throwing article from moving train, injuries to passer-by.

Fletcher *v.* Baltimore & P. R. Co. (U. S.), vol. 9, p. 229.

Usage in switchyard, in action for personal injuries.

Pier *v.* Chicago, etc., R. Co. (Wis.), vol. 5, p. 407.

USURY.

Effect of Ohio statute exempting railroads from operation of general usury lease.

Metropolitan Trust Co. *v.* Railroad Equipment Co. (C. C. A.), vol. 22, p. 144.

Railroad Equipment Co. *v.* Mercantile Trust Co. (C. C. A.), vol. 22, p. 144.

VARIANCE.

See Evidence.

Personal Injuries.
Pleading.

Missouri, K. & T. Ry. Co. *v.* Shockman (Kan.), vol. 12, p. 880.

In action for negligence there can be no recovery where the negligence proven is of a different character from that pleaded.

Chicago & E. I. R. Co. *v.* Driscoll (Ill.), vol. 12, p. 644.

Objection on ground of must point it out.

Alabama Mid. Ry. Co. *v.* Darby (Ala.), vol. 13, p. 105.

Plaintiff's pleading and proof in action on contract of employment.

Sax *v.* Detroit, etc., Ry. Co. (Mich.), vol. 20, p. 653.

Pleading and proof as to defect in coupling appliances.

Youngblood *v.* South Carolina & G. R. Co. (S. Car.), vol. 20, p. 622.

Power to raise point of on appeal.

Chicago & A. R. Co. *v.* Glenn (Ill.), vol. 12, p. 839.

VEHICLES.

See Crossings.

VENDOR AND PURCHASER. VERDICTS—Continued.

See Railroads.

Bona fide purchaser entitled to order enjoining laying of additional track.

Varwig *v.* Cleveland, C., C. & St. L. R. Co. (Ohio), vol. 4, p. 265.

Donation of land by county to railroad, subsequent purchaser from county with knowledge.

Roberts *v.* Northern Pacific Railroad Co. (U. S.), vol. 3, p. 106.

Liability of purchasing railroad for tort committed prior to transfer by purchased railroad.

Pennison *v.* Chicago, M. & St. P. R. Co. (Wis.), vol. 4, p. 573.

VENUE.

See Actions.

Appeal.

Railroads.

A court has jurisdiction to set aside vacation order of the judge refusing change of venue.

Chicago & A. R. Co. *v.* Harrington (Ill.), vol. 23, p. 429.

Actions for injuries where accident occurred in foreign state.

South Carolina & G. R. Co. *v.* Deitzen (Ga.), vol. 10, p. 232.

Goods injured in transit.

Texas & P. Ry. Co. *v.* Hornbeck (Tex.), vol. 9, p. 238.

In an action for death by wrongful act, suit may be brought in circuit court of county where deceased resided, although the accident occurred in another county.

Louisville & N. R. Co. *v.* Cooley (Ky.), vol. 12, p. 553.

VERDICTS.

See Damages.

Excessive Verdict.

Answers to interrogations not overbearing general verdict declaring plaintiff free from fault, in action for injuring telegraph operator crossing track.

Indianapolis Union Ry. Co. *v.* Houlihan (Ind.), vol. 21, p. 915.

Conclusiveness.

Dennis *v.* Pittsburgh & C. S. R. Co. (Pa. St.), vol. 2, p. 389.

Hardy *v.* Milwaukee St. R. Co. (Wis.), vol. 2, p. 389.

Louisville R. Co. *v.* Park (Ky.), vol. 2, p. 389.

McKillop *v.* Duluth St. Ry. Co. (Minn.), vol. 1, p. 278.

Directing verdict.

Central Pass. R. Co. *v.* Chat-terson (Ky.), vol. 1, p. 278.

Creswell *v.* Wilmington & N. R. Co. (Del.), vol. 14, p. 625.

Pullman Palace Car Co. *v.* Hall (Ga.), vol. 14, p. 229.

Disagreement of a jury on a certain point stated.

Cincinnati St. R. Co. *v.* Whitcomb (U. S.), vol. 1, p. 279.

Effect of statement as to offers to compromise.

Jackson & S. St. R. R. *v.* Sim-mons (Tenn.), vol. 23, p. 236.

Excessive verdict.

Louisville & Southern R. Co. *v.* Hooe (Ky.), vol. 14, p. 808.

Findings conflicting with.

Chicago, R. I. & P. Ry. Co. *v.* Williams (Kan.), vol. 12, p. 336.

General and special.

Schulte *v.* Chicago, M. & St. P. Ry. Co. (Iowa), vol. 21, p. 356.

Grounds for interfering with verdict as excessive.

Chesapeake & O. Ry. Co. *v.* Dixon (Ky.), vol. 14, p. 827.

Inconsistency between general and special findings.

Ebsery *v.* Chicago City Ry. Co. (Ill.), vol. 6, p. 794.

Opinion of trial court as to whether verdict was excessive.

Galveston, H. & H. R. Co. *v.* Bohan (Tex.), vol. 12, p. 491.

Special verdicts.

Ward *v.* Chicago, M. & St. P. R. Co. (Wis.), vol. 14, p. 322.

Special verdict in case of death at crossing.

Cleveland, C., C. & St. L. Ry. Co. *v.* Miller (Ind.), vol. 9, p. 684.

Submitting general verdict with special verdict is error.

Crouse *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 780.

Sufficiency of special verdict.

Crouse *v.* Chicago & N. W. Ry. Co. (Wis.), vol. 14, p. 780.

VICE PRINCIPALS.*See Fellow Servants.**Master and Servant.***Liability.**

Negligence of.

Chattanooga Elec. Ry. Co.
v. Lawson (Tenn.), vol. 12,
 p. 669.

Notice of vice principal of dan-
 ger.

Chicago & E. I. R. Co. *v. Dris-*
coll (Ill.), vol. 12, p. 644.

Servant given charge of dynamite as vice principal.

Rush *v. Spokane Falls & N.*
Ry. Co. (Wash.), vol. 20, p.
 285.

Test as to vice principal.

Union Pac. Ry. Co. *v. Doyle*
 (Neb.), vol. 7, p. 773.

Who Are.

Bussey *v. Charleston & W.*
C. Ry. Co. (S. Car.), vol.
 11, p. 474.

Walker *v. Gillett* (Kan.),
 vol. 10, p. 140.

Wright *v. Northampton &*
H. R. Co. (N. Car.), vol.
 10, p. 151.

Division superintendents are.
 Louisville, N. A. & C. Ry.
 Co. *v. Heck* (Ind.), vol. 11,
 382.

Train dispatcher who controls
 and directs the movements
 of trains the vice principal
 of trainmen.

Louisville, N. A. & C. Ry.
 Co. *v. Heck* (Ind.), vol. 11,
 p. 382.

VIEW.

Eminent domain.

Bigelow *v. Draper* (N. Dak.),
 vol. 7, p. 771.

Evidence.

Bigelow *v. Draper* (N. Dak.),
 vol. 7, p. 771.

VOLUNTEERS.*See Master and Servant.*

Ward *v. Louisville & N. R. Co.*
 (Tenn.), vol. 7, p. 776.

Care due person invited by serv-
 ant to assist.

Cleveland, T. & V. R. Co. *v.*
Marsh (Ohio), vol. 20, p. 54.

Employment of boy to assist in
 revolving turntables, suffi-
 ciency of evidence.

Stacker *v. Louisville & N. R.*
Co. (Tenn.), vol. 20, p. 704.

VOLUNTEERS—Continued.

Whether person requested by
 engineer to assist in man-
 agement of train was a mere
 volunteer or an employee.

Mickelson *v. New East Tintic*
Ry. Co. (Utah), vol. 20, p.
 855.

WAGES.*See Damages.**Master and Servant.***WAITING ROOM.**

See Carriers of Passengers.
Stations and Depots.

WAIVER.*See Jurisdiction.**Notice.**Tickets and Fares.**Trial.*

Waiver by servant of master's
 negligence.

Keist *v. Chicago G. W. Ry.*
Co. (Iowa), vol. 16, p. 297.

Waiver of rules by master.

Louisville & N. R. Co. *v.*
Bowcock (Ky.), vol. 17, p.
 421.

WANTONNESS.

See Contributory Negligence.
Crossings.

Master and Servant.
Negligence.

WANTONNESS AND WILFULNESS.

See Carriers of Passengers.
Negligence.

WARDS.*See Guardian and Ward.***WAREHOUSEMEN.***See Baggage.**Carriers of Freight.**Carriers of Goods.*

Cox *v. Vermont Cent. R. Co.*
 (Mass.), vol. 9, p. 591.

Independent contractor's negli-
 gence causing loss of goods by
 fire does not render railroad
 company, as warehouseman,
 liable.

Brunswick Grocery Co. *v.*
Brunswick & W. R. Co.
 (Ga.), vol. 13, p. 85.

Liability for baggage.

Blackmore *v. Missouri Pac.*
Ry. Co. (Mo.), vol. 21, p. 361.

WAREHOUSEMEN—Cont'd.

Loss of goods by fire.

Backhaus v. Chicago & N. W. R. Co. (Wis.), vol. 3, p. 426.

Walker v. Eikleberry (Okla.), vol. 13, p. 253.

New Jersey statute limiting liability of common carriers was not intended to relieve warehouse keepers.

Weigand v. Central R. Co. of New Jersey (Pa.), vol. 5, p. 61.

WAREHOUSE RECEIPTS.

Pledge of rolling stock.

Mechanics' Trust Co. v. Dandridge (Ky.), vol. 8, p. 348.

WAR REVENUE.

See Injunctions.

WATCHMEN.

Validity of ordinance compelling railway to keep watchmen and gates.

Pittsburg, C., C. & St. L. R. Co. v. Town of Crown Point (Ind.), vol. 6, p. 324.

WATER AND WATER-COURSES.

See Carriers of Passengers.

Floods.

Navigable Waters.

Breach of contract to supply water.

New Orleans & N. E. R. Co. v. Meridian Waterworks (U. S.), vol. 3, p. 451.

Damages.

Damages may be recovered for overflow caused by insufficient culvert, although damages had been recovered by plaintiff for location of road.

Chicago, etc., R. Co. v. Andreesen (Neb.), vol. 22, p. 536.

Evidence as to expenses incurred in preventing recurrences of injury from overflow of land.

New York, etc., R. Co. v. Jones (Md.), vol. 23, p. 528.

Evidence as to whether damage could have been prevented in action for overflowing land.

New York, etc., R. Co. v. Jones (Md.), vol. 23, p. 528.

Riparian rights.

Bigelow v. Draper (N. Dak.) vol. 7, p. 771.

WATER AND WATER-COURSES—Continued.

Speculative damages based on alleged inability to grow crops because of overflow.

New York, etc., R. Co. v. Jones (Md.), vol. 23, p. 528.

Enjoining obstruction of stream which has been brought about by natural causes.

Harrelson v. Kansas City & A. R. Co. (Mo.), vol. 16, p. 848.

Extraordinary flood a question for the jury.

Georgia, etc., Co. v. Bohler (Ga.), vol. 8, p. 766.

Injuries to Property.

Accumulation of surface water as a nuisance.

Baltzeger v. Carolina Midland Ry. Co. (S. Car.), vol. 14, p. 845.

Admissibility of evidence of existence of other ditches leading into main ditch, in action for overflowing land.

New York, etc., R. Co. v. Jones (Md.), vol. 23, p. 528.

Commencement of time required for prescription to ripen where lower land is injured by railroad bridge.

Eells v. Chesapeake & O. Ry. Co. (W. Va.), vol. 21, p. 669.

Diversion of surface water.

Parker v. Norfolk & C. R. Co. (N. Car.), vol. 14, p. 844.

Duty as to location of culverts to prevent flooding land of lower proprietor.

Kansas City, etc., R. Co. v. Williams (Ind. Ter.), vol. 19, p. 361.

Effect of consent of owners of intermediate lands on liability for overflowing lower land.

New York, etc., R. Co. v. Jones (Md.), vol. 23, p. 528.

Enjoining obstruction of stream which had been brought about by natural causes.

Harrelson v. Kansas City & A. R. Co. (Mo.), vol. 16, p. 848.

Extraordinary floods need not be provided against in constructing road, for the protection of landowners.

Kansas City, etc., R. Co. v. Williams (Ind. Ter.), vol. 19, p. 361.

WATER AND WATER-COURSES—Continued.

Hearsay evidence as to whether marks on embankment were made by geological survey, in action for turning water on plaintiff's land by embankment and ditches.

New York, etc., R. Co. v. Jones (Md.), vol. 23, p. 528.

In action for diverting streams, defendant should be permitted to show costs of restoring it to former channel.

Sweeney v. Montana Cent. Ry. Co. (Mont.), vol. 22, p. 540.

Instructions as to defendant's liability for overflowing land not warranted by pleading.

New York, etc., R. Co. v. Jones (Md.), vol. 23, p. 528.

Joinder of counts in declaration in action for overflowing land.

New York, etc., R. Co. v. Jones (Md.), vol. 23, p. 528.

Liability for accumulation of. Baltzege v. Carolina Midland Ry. Co. (S. Car.), vol. 14, p. 845.

Liability for causing overflow of surface water in constructing street railway.

Lion v. Baltimore City Pass. Ry. Co. (Md.), vol. 23, p. 538.

Liability for damage caused by plaintiff's refusal to allow ditch to be dug on lower land.

Kansas City, etc., R. Co. v. Williams (Ind. Ter.), vol. 19, p. 361.

Liability for discharging water on lower land in draining right of way.

New York, etc., R. Co. v. Jones (Md.), vol. 23, p. 528.

Liability for overflow caused by insufficient culvert obstructing natural watercourses.

Chicago, etc., R. Co. v. Andreesen (Neb.), vol. 22, p. 536.

Liability of railroad for flooding land of lower proprietor.

Louisville & N. R. Co. v. Brinton (Ky.), vol. 19, p. 153.

WATER AND WATER-COURSES—Continued.

Liability of railroad for flooding land of upper proprietor by obstructing surface water.

Smith v. Louisville & N. R. Co. (Ky.), vol. 19, p. 157.

Liability of street railway for injury to property caused by overflow of its vaults constructed to carry off surface water.

Lion v. Baltimore City Pass. Ry. Co. (Md.), vol. 23, p. 538.

Limitations where injuries to lower land are caused by railroad bridge, continuous injury.

Bells v. Chesapeake & O. Ry. Co. (W. Va.), vol. 21, p. 668.

Mere general denial in action for overflowing land.

New York, P. & N. R. Co. v. Jones (Md.), vol. 23, p. 528.

Negligence in construction of bridge, in action for injury to property by flood.

Brown v. Pine Creek Ry. Co. (Pa.), vol. 8, p. 693.

Obstructions of high water channels by railroad.

New York, C. & St. L. R. Co. v. Hamlet Hay Co. (Ind.), vol. 9, p. 291.

Obstruction of navigable stream.

Hedges v. West Shore R. Co. (N. Y.), vol. 5, p. 647.

Obstruction of surface water, liability.

Walker v. New Mexico & S. P. R. Co. (N. Mex.), vol. 14, p. 839.

Plaintiff's duty to diminish damage caused by diverting watercourses.

Sweeney v. Montana Cent. Ry. Co. (Mont.), vol. 22, p. 540.

Rights of lower proprietor where watercourse has been obstructed.

Harrelson v. Kansas City & A. R. Co. (Mo.), vol. 16, p. 848.

Rights of upper proprietor where surface water has been obstructed.

Harrelson v. Kansas City & A. R. Co. (Mo.), vol. 16, p. 848.

WATER AND WATER-COURSES—Continued.

Subsequent conveyance to company not sufficient to release grantor's claim for damages for trespass committed in diverting creek.

Sweeney v. Montana Cent. Ry. Co. (Mont.), vol. 22, p. 540.

Sufficiency of declaration in action for overflowing land. *New York, P. & N. R. Co. v. Jones* (Md.), vol. 23, p. 528.

Under contract releasing from damages caused by proper construction of road, plaintiff must show that damages from surface water was caused by defective construction.

Kansas City, etc., R. Co. v. Williams (Ind. Ter.), vol. 19, p. 361.

What constitutes an extraordinary flood is a question for the jury in action for injury to property.

Brown v. Pine Creek Ry. Co. (Pa.), vol. 8, p. 693.

Use of railroad embankment as reservoir dam.

Montana Ore Purchasing Co. v. Boston & M. Consol. Copper & Silver Min. Co. (Mont.), vol. 10, p. 754.

WATER PIPES.

See Easements.

WAYS.

*See Private Ways.
Right of Way.*

WAY OF NECESSITY.

See Crossings.

WEALTH.

*See Damages.
Evidence.*

WEATHER.

See Carriers of Goods.

WIFE.

*See Damages.
Married Women.*

WILFUL NEGLIGENCE.

*See Carriers of Passengers.
Contributory Negligence.
Crossings.
Master and Servant.
Pleading.*

WILFUL NEGLIGENCE—Continued.

*See Stock, Injuries to.
Negligence.
Street Railways.*

Allegation of.

Ullrich v. Cleveland, C., C. & St. L. Ry. Co. (Ind.), vol. 13, p. 783.

Ordering trespasser from moving train does not tend to show intent to willfully injure.

Bolin v. Chicago, etc., Ry. Co. (Wis.), vol. 19, p. 735.

Sufficiency of evidence.

Sharp v. Missouri Pac. Ry. Co. (Mo.), vol. 21, p. 47.

Sufficiency of evidence to warrant inference of intent to willfully injure.

Bolin v. Chicago, etc., Ry. Co. (Wis.), vol. 19, p. 735.

WILFUL TORTS.

See Master and Servant.

"WILSON ACT."

Does not cause state power to attach to interstate shipment while the merchandise is in transit.

State v. Intoxicating Liquors (Me.), vol. 20, p. 511.

WIRES.

*See Electric Railroads.
Gross Negligence.
Street Railways.*

Liability for personal injury from hanging wire belonging to another company.

Macon v. Paducah St. Ry. Co. (Ky.), vol. 22, p. 614.

WITNESSES.

*See Evidence.
Interrogatories.
Trial.*

Adopting opposing witness on cross-examination.

Anderson v. Union Terminal R. Co. (Mo.), vol. 20, p. 834.

Attachment.

St. Louis & S. F. R. Co. v. Kilpatrick (Ark.), vol. 17, p. 212.

Children.

Burke v. Ellis (Tenn.), vol. 19, p. 695.

St. Louis, I. M. & S. Ry. Co. v. Warren (Ark.), vol. 13, p. 729.

WITNESSES—Continued.

Competency of engineer to testify as to accident.

Kansas City, M. & B. R. Co. *v.* Lackey (Ala.), vol. 7, p. 772.

Credibility.

Chicago & A. R. Co. *v.* Winters (Ill.), vol. 12, p. 93.

Lonzer *v.* Lehigh Val. R. Co. (Pa.), vol. 21, p. 333.

Rickert *v.* Southern Ry. Co. (N. Car.), vol. 12, p. 162.

Schmitt *v.* Milwaukee St. R. Co. (Wis.), vol. 2, p. 156.

Of employees.

Brunswick & W. R. Co. *v.* Wiggins (Ga.), vol. 22, p. 588.

Houston E. & W. T. Ry. Co. *v.* Runnels (Tex.), vol. 12, p. 800.

Of employee, on ground of his interest, not question for jury.

Hauss *v.* Lake Erie & W. R. Co. (C. C. A.), vol. 22, p. 864.

Credibility, question for jury.

Haltom *v.* Southern Ry. Co. (N. Car.), vol. 19, p. 776.

Haun *v.* Rio Grande W. Ry. Co. (Utah), vol. 19, p. 370.

Cross-examination.

Chicago, B. & O. R. Co. *v.* Murowski (Ill.), vol. 15, p. 698.

Effect of failure to produce.

Central of Georgia Ry. Co. *v.* Bernstein (Ga.), vol. 20, p. 952.

Evidence as to character of.

Warfield *v.* Louisville & N. R. Co. (Tenn.), vol. 17, p. 135.

Evidence of bias of.

Shaw *v.* Chicago & G. T. Ry. Co. (Mich.), vol. 18, p. 131.

Evidence of previous statements.

Nashville, etc., Ry. Co. *v.* Lawson (Tenn.), vol. 19, p. 252.

Harmless error in excluding evidence tending to impeach.

Baltimore City Pass. Ry. Co. *v.* Baer (Md.), vol. 22, p. 662.

Honest mistake or forgetfulness of witness in one matter not sufficient to authorize jury to disregard all of his testimony.

Overtom *v.* Chicago & E. I. R. Co. (Ill.), vol. 15, p. 849.

WITNESSES—Continued.**Husband and wife.**

Jones *v.* Texas & P. R. Co. (La. Ann.), vol. 2, p. 382.

Impeachment.

Central of Ga. Ry. Co. *v.* Trammell (Ga.), vol. 23, p. 856.

Green *v.* Southern Pac. Co. (Cal.), vol. 13, p. 511.

Haver *v.* Cent. R. Co. of N. J. (N. J.), vol. 17, p. 490.

Raleigh & G. R. Co. *v.* Bradshaw (Ga.), vol. 22, p. 572.

Western & A. R. Co. *v.* Vaughan (Ga.), vol. 21, p. 512.

Impeachment, refusal to admit brief of testimony on former trial as ground for new trial.

Dorsey *v.* Central of Georgia Ry. Co. (Ga.), vol. 21, p. 566.

Impeachment by stenographic notes of testimony given by him at inquest.

Overtom *v.* Chicago & E. I. R. Co. (Ill.), vol. 15, p. 849.

Impeachment on cross-examination.

McGovern *v.* Smith (Vt.), vol. 23, p. 690.

Impeachment under Cal. Code Civ. Proc. sec. 2053.

Schneider *v.* Market St. Ry. Co. (Cal.), vol. 23, p. 693.

Incriminating witness by cross-examination.

Knopf *v.* Philadelphia, W. & B. R. Co. (Del.), vol. 20, p. 172.

Inference from exclusion of her physician's testimony by plaintiff in action for personal injuries.

Lane *v.* Spokane Falls & N. Ry. Co. (Wash.), vol. 14, p. 436.

Inference from failure to produce employees as.

Weinkle *v.* Brunswick & W. R. Co. (Ga.), vol. 14, p. 50.

Interpreters.

Central of Georgia Ry. Co. *v.* Joseph (Ala.), vol. 18, p. 659.

Memorandum to assist memory.

Pierce *v.* Bangor & A. R. Co. (Me.), vol. 18, p. 533.

One party to contract may testify though agent of other party who made such contract is dead.

Missouri, K. & T. Ry. Co. *v.* Byrne (C. C. A.), vol. 18, p. 573.

WITNESSES—Continued.

Qualifications.

Born *v.* Philadelphia & R. R. Co. (Pa.), vol. 22, p. 723.

Question as to knowledge of defects in appliances did not call for opinion of witness.

Yerkes *v.* Northern Pac. Ry. Co. (Wis.), vol. 23, p. 642.

Question whether servant would have used appliances except upon reliance on promise to repair did not call for opinion of witnesses.

Yerkes *v.* Northern Pac. Ry. Co. (Wis.), vol. 23, p. 642.

Refreshing recollection.

Hasie *v.* Alabama & V. Ry. Co. (Miss.), vol. 20, p. 551.

Refusal to allow witness to testify as expert not error where qualification as such is not shown.

Creswell *v.* Wilmington & N. R. Co. (Del.), vol. 14, p. 625.

Responsiveness of answer.

Chicago, etc., Ry. Co. *v.* Hoover (Ind. Ter.), vol. 23, p. 73.

Right of party surprised by his own witness to show inconsistent statements.

Tacoma Ry. & Power Co. *v.* Hays (C. C. A.), vol. 23, p. 58.

Should testify in accordance with knowledge had at time of testifying.

Cleveland, T. & V. R. Co. *v.* Marsh (Ohio), vol. 20, p. 54.

Statements made by witness shortly after accident are admissible to impeach him, where foundation has been

WITNESSES—Continued.

laid for their admission.

Alabama Min. R. Co. *v.* Jones (Ala.), vol. 15, p. 752.

Sufficiency of knowledge of.

Cleveland, T. & V. R. Co. *v.* Marsh (Ohio), vol. 20, p. 54.

Testimony, question for jury.

Schneider *v.* Market St. Ry. Co. (Cal.), vol. 23, p. 693.

Whether qualified as experts, discretion of court.

Bowen *v.* Boston & A. R. Co. (Mass.), vol. 23, p. 267.

WORKING CONTRACTS.

Conclusiveness of engineer's estimate.

Baltimore & O. & C. R. Co. *v.* Scholes (Ind. App.), vol. 3, p. 454.

Expert testimony.

Clayton Electric Co. *v.* McKeesport, etc., Ry. Co. (Pa.), vol. 6, p. 777.

WRITINGS.

See Questions of Law and Fact.

WRONGFUL DEATH.

See Accident on Track.

Death by Wrongful Act.

X-RAY PICTURES.

See Evidence.

YARDS.

See Children.

Fences.

Master and Servant.

Ordinances limiting speed applies to railroad yards.

Jackson *v.* Kansas, etc., R. Co. (Mo.), vol. 19, p. 99.

1-23

KF 2280 A221

Index Digest

Author

Vol.

Am. & Eng. R.R. Cases.

Title

Copy

Date	Borrower's Name

